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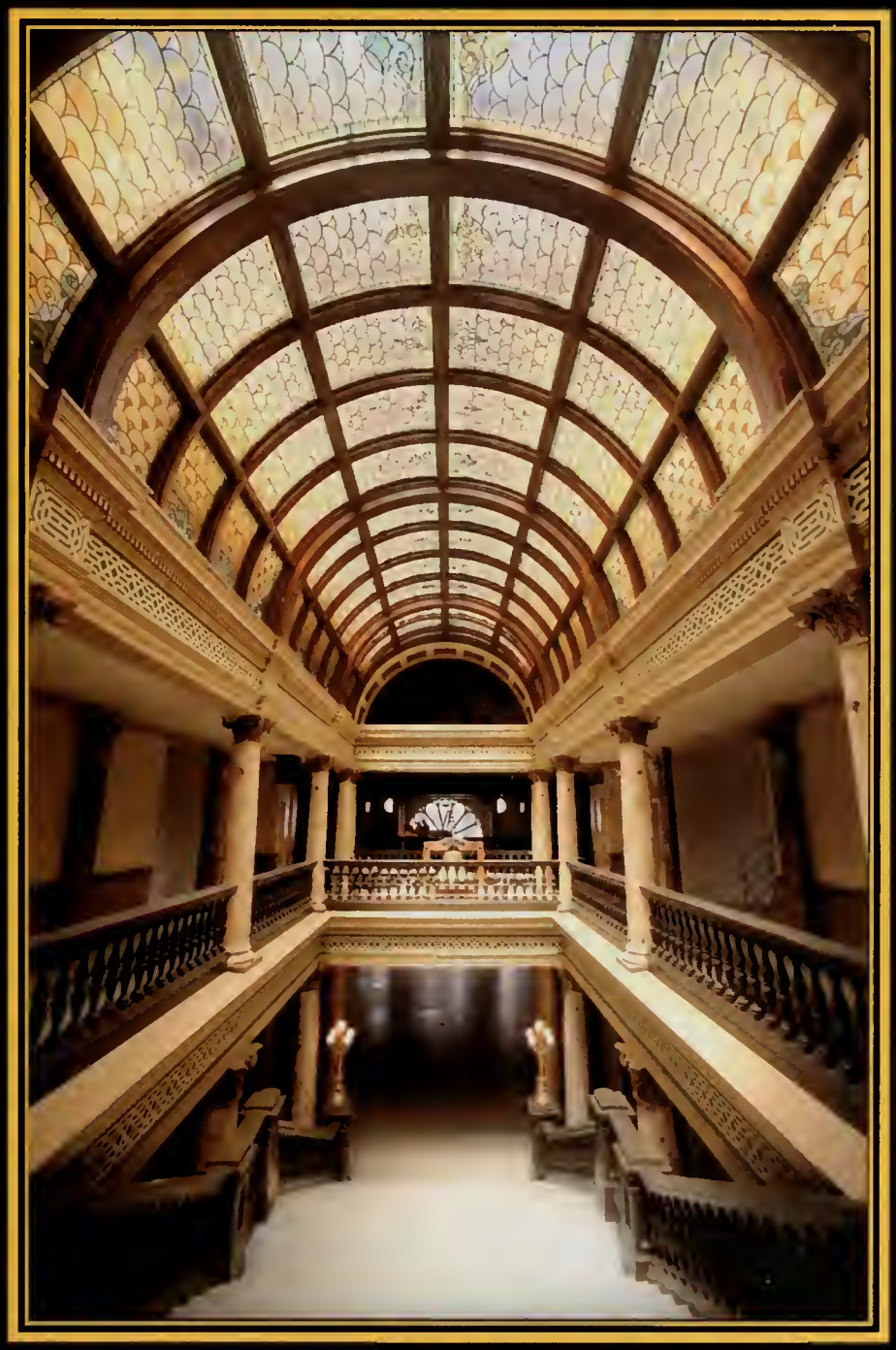
Capitol Capsules

Legislative Minutes



Presented to the 57th Montana Assembly

by the Montana Historical Society

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Capitol Capsules

Legislative Minutes

House of Representatives, Eighth Legislative Assembly. Virginia City, Montana Territory, 1874

Presented to the 57th Montana Assembly

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Preface

With the dawning of the first impacts of term limits, there were many new faces in the 2001 legislative session and in other elected offices. Long-term institutional knowledge is hard to replace, but the state archives in the Montana Historical Society remains a place where Montana's collective memory is being preserved. The desire to remind legislators of the great "sense of place" they have in our wonderful history, together with the upcoming centennial of the State Capitol, led us to create these "legislative minutes" (Capitol Capsules). By means of this booklet, the vignettes can be enjoyed by both those that heard them read during the 2001 Session and those who are encountering them for the first time. I particularly want to thank Dave Walter for all his diligence in doing the research and writing. I also want to thank Senate President Tom Beck and Speaker of the House Dan McGee, and their staffs, for allowing our rich legislative history to be shared.

Arnold Olsen, Director
Montana Historical Society

Introduction: "Legislative Minutes"

The Legislative Assembly is one of Montana's oldest institutions. From its initial session in Bannack in 1864 to the present, it has provided the structural framework for Montana's commerce, politics, and society.

The legislature operated first as a territorial assembly (1864-1889) and then as a state legislature (1889ff.). At one point or another—and often repeatedly—it has debated and legislated every basic issue that has concerned Montana citizens. In turn, its delegates—a convention of part-time, elected representatives—have both reflected and shaped the character of Montana.

The Montana Historical Society, in appreciation of this rich legislative heritage, determined to provide the houses of the Fifty-seventh Assembly with daily "legislative minutes." These historical vignettes document some of the landmark actions of past legislatures, as well as provide a historical context for many current discussions. In addition, some vignettes offer short biographical sketches of Montana's remarkable political leaders.

This modest publication compiles those "legislative minutes" as documentation of the Fifty-seventh Assembly. It is provided courtesy of the Montana Historical Society—for over 135 years the keeper of Montana's past for the citizens of Montana's future.

Dave Walter, Research Historian
Montana Historical Society

May, 2001

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The Minutes

Legislative Minute: January 3
The Eighteen-year-old Vote

On this day in Montana legislative history—in 1967—Senator LeRoy Anderson, a Democrat from Conrad, introduced Senate Bill 3.This legislation proposed to amend the 1889 Constitution to reduce the minimum voting age from 21 to 18. On January 3 the bill was referred to the Senate Committee on the Constitution, Elections, and Federal Relations.

Thus—out of the national turmoil of the 1960s—was born Montana's first concerted push to lower the voting age. Senate Bill 3 was amended to raise the age to 19 before the committee returned it to the floor. On February 1, 1967, the bill failed on third reading in the Senate to gain the required vote necessary for a Constitutional change. However, Senators reconsidered their action the next day and passed the measure.

Despite heated discussion in the House, Senate Bill 3 could not gain the required votes, and that attempt to lower Montana's voting age died during the 1967 Legislature.

But popular sentiment proved undeniable. Another try in the 1969 Legislature failed, but a similar measure—House Bill 52—passed in 1971, lowering the voting age to 18. The stipulation then was incorporated in Article 4, Section 2 of the 1972 Constitution.

This major revision in Montana's voting requirements reflected a national sentiment born of the civil-rights movement and the conflict in Vietnam. Over the last three decades, Montanans have come to accept the change—one which began on this day in Montana legislative history: January 3, 1967.

Legislative Minute: January 4
The 1897 Legislature and the Populists

On this day in Montana legislative history—January 4, 1897—the Fifth State Assembly convened its opening session. The membership would prove the most politically divided in the history of the Legislature. In addition to 50 Democrats and 20 Republicans, the two houses included 21 members of the People's Party—21 "Populists."

This strong third-party movement represented a national, grass-roots reaction to sagging farm credit and the devastating "Panic of 1893." Its spokesmen, like William Jennings Bryan, advocated: a graduated income tax; the federal ownership of railroads, telephone service, and telegraph companies; postal savings banks; and direct-democracy measures to counter the power of great, industrial wealth. Most important, the Populists supported the "free and unlimited coinage of silver"—an extremely important issue to Montana's dominant mining industry.

The Montana Populists had aligned themselves with the Democrats and, in the 1896 election, swept Robert B. Smith into the Governor's office, 3 candidates into the Senate, and 18 men into the House. This "fusion" party then pursued such Montana issues as mine safety, educational reform, the regulation of railroad rates, and the reorganization of state institutions. Members argued vehemently for the direct, popular election of U.S. Senators—to change the system by which the Legislature itself was selecting Montana's two Senators.

The Populists—although ultimately co-opted by the Democrats—helped to bring such reforms to Montana as the initiative and the referendum, the eight-hour workday, and political equality for women. Their advocacy of the direct election of U.S. senators received unexpected support when "Copper King" William Andrews Clark successfully bribed the Legislature to obtain a U.S. Senate seat in 1899.

The Populists constituted the strongest third-party movement in the history of the Montana legislature. And the peak of their influence occurred on this day in Montana legislative history, in 1897.

Legislative Minute: January 5
Governor Joseph K. Toole's Address

On this day in legislative history—January 5, 1891—the State of Montana's first governor, Joseph K. Toole, addressed the Second Legislative Assembly. His "State of the State" message began by openly acknowledging the difficulties encountered by the First Assembly in 1889. In that case, partisan conflict had prevented the legislature from performing any business.

So, Montana had fallen seriously behind in converting its status from a federal territory to an independent state of the Union. This delay obviously vexed Governor Toole, and he encouraged legislators vigorously to pursue the monumental task before them.

In his January 5 message, Toole addressed a number of statewide issues that remain very much alive more than a century later: legal relations with Indian reservations; the funding of public schools; the need to standardize voting registration and voting; the prevention and fighting of wildfires; the state's involvement in gambling—specifically in lotteries.

Toole saved the heart of his comments, however, for the problem of state institutions: their funding, their staffing, and their supervision. In this context, the state prison in Deer Lodge offered the thorniest problem.

Although these issues are reminiscent of Montana today, Governor Toole faced a brighter economy in 1891. Montana had almost doubled its mineral output over the previous year, the number of horses, sheep, and cattle in the state had increased by nearly 500,000 head, and the production of wheat, oats, and barley had risen by more than 50 per cent.

Nevertheless, in his closing remarks, the Governor cautioned:

"This remarkable march of progress...will reach a point far beyond the expectations of the most sanguine. But our great resources and almost limitless possibilities should not tempt us into improvident expenditures of the people's money....The time by which you [legislators] are limited to do the work of the session is scarcely adequate, but much can be accomplished."

Judicious words in any age, from one of Montana's true statesmen.

Legislative Minute: January 6
Territorial Officials Go Sleighing

On this day in legislative history—January 6, 1869—both houses of the Territorial Legislature held abbreviated sessions. Meeting in Virginia City, legislators bowed to the wondrous realities of the Montana winter. The (Virginia City) Montana Post reported:

"The fine sleighing was too much, even for the profoundest of our law-makers to resist, and so to-day the Legislature adjourned early, and went in for winter sports.

"The judges joined in, and the merry jingle of bells has enlivened the city since morning. All sorts of 'turn outs' [a stylish model of sleigh] and all sorts of crowds to fill them have been in constant motion.

"Half a dozen members in one sleigh, half a dozen (equally divided of both sexes) in another, a jovial crowd of legislative revelers in a third, the Governor and Judges in a fourth, and so on. They all evinced glee, loud laughter, jolly singing, and all the pleasures which 'ice and snow bring to mortals here below.'"

This 1869 impromptu legislative holiday proved short-lived, however, as both houses reconvened early on the following morning.

Legislative Minute: January 8
The First Women in the Legislature

On this day of legislative history—January 8, 1917—two new members of the Montana House had been seated for one full week. Maggie Smith Hathaway, a Democrat from Stevensville (Ravalli County) and Emma J. Ingalls, a Republican from Kalispell (Flathead County) were the first two women to serve in the Montana Legislature. They had been elected in November, 1916—the first general election in which Montana women could exercise the vote.

Montana women had received the vote in 1914, six years before woman suffrage became the national standard. Also elected in 1916 was May Trumper, the first female State Superintendent of Schools. Within two years, all of Montana's county superintendents of schools were women. The crowning triumph of 1916 was the election of Republican Jeannette Rankin to the U.S. House of Representatives—the first woman ever to serve in Congress.

Maggie Hathaway was reelected to the Montana House in 1918 and again in 1920. She was a longtime member of the Women's Christian Temperance Union (WCTU) and proved effective in bringing prohibition to Montana. She later served as the director of the state's Bureau of Child Welfare.

Emma J. Ingalls, a newspaperwoman from Demersville and Kalispell, also managed the family ranch and pioneered the use of alfalfa and irrigation in the Flathead Valley. In 1917 she chaired the House Committee on Morals, Charities, and Reform and was reelected to the House in 1918.

Maggie Hathaway and Emma Ingalls were the first of more than 130 women who have served in the Montana Legislature since 1917. But on this legislative day, 84 years ago, they constituted the very first two.

Legislative Minute: January 9
Creating Powell and Daly Counties

On this day in Montana legislative history—January 9, 1901—John N. W. Bielenberg, a Republican representative from Deer Lodge, stated his intention to carry a bill creating the new county of Powell.

On the next day, January 10, he introduced House Bill 4 to form the new entity from the northern three-quarters of Deer Lodge County. Bielenberg did so at the behest of residents in the town of Deer Lodge, who had lost their county seat to Anaconda in a hotly-contested 1897 election. A similar measure—Senate Bill 3—appeared simultaneously in the other chamber.

Senators approved Senate Bill 3 on January 29 by a 21-1 vote, and the House then substituted Senate Bill 3 for its Powell County measure. The House passed the substitute by a 65-0 vote, and Governor Joseph K. Toole signed the bill on January 31, 1901. So the new county of Powell was born.

But the story does not end there. Residents of the new county wished to reclaim their old county name: they wanted to make the town of "Deer Lodge" the county seat of the county of "Deer Lodge." Many people in Anaconda agreed, because they wanted to rename their division "Daly County," in honor of the recently-deceased "Copper King" Marcus Daly.

Early in February, 1901, bills sprouted in the Senate to substitute "Deer Lodge" for "Powell," and to replace "Deer Lodge" with "Daly." Both bills passed the houses unanimously, and Governor Toole signed them on March 8.

But "Daly County" lasted only one month. Some disgruntled citizens of Anaconda petitioned the Montana Supreme Court to nullify the two acts. And, indeed, on April 8 the Court found that the laws changing the county names violated the 1889 state constitution. Thus all county names reverted to their original designations: Powell and Deer Lodge.

The people in the town of Deer Lodge were the most perplexed. Within three months, they had been the residents of three different counties, and they never moved an inch. And all this craziness began on this day in Montana legislative history: January 9, 1901.

Legislative Minute: January 10
Governor Potts' "State of the Territory" Address

On this day in Montana legislative history—January 10, 1881—Territorial Governor Benjamin F. Potts delivered his "State of the Territory" address to the combined houses of the Twelfth Legislative Assembly in Helena. At the time, Montana perched on the eve of receiving transcontinental railroad lines that would link it to the rest of the nation and would lead directly to statehood in 1889.

Republican Governor Potts was Montana's longest-running territorial governor, serving from 1870 to 1883. In his 1881 speech, he recommended legislation to alleviate problems that sound familiar today: drug and alcohol abuse; over-crowding at the Deer Lodge prison; the poaching of wildlife; election irregularities; and additional funds for public education.

Yet the governor saw the greatest threat to the territory's never-ending quest for statehood in the indebtedness incurred by Montana's ten counties. Only Gallatin and Meagher Counties had reduced their financial liabilities during the preceding year.

Nevertheless, Governor Potts' remarks concluded on an optimistic note:

"Two railroads have reached our borders and promise to be rapidly constructed to our business centers. We cannot overestimate the advantages to be derived from railroad communication with the great cities of the East....With the early and certain influx of population and capital caused by the construction of railroads through the Territory, the future of Montana must be bright and promising."

Indeed, the Utah and Northern Railroad reached Butte later in 1881, and the Northern Pacific completed its mainline through Montana in 1883. Montanans held a constitutional convention in 1884 to petition Congress for statehood; Montana finally joined the Union in 1889. Interestingly, Territorial Governor Benjamin Potts had foreseen all those events in his "State of the Territory" address, delivered on this day in Montana legislative history, January 10, 1881.

Legislative Minute: January 11
The Removal of Charlo from the Bitterroot Valley

On this day in legislative history—January 11, 1869—the houses of the Montana Territorial Legislature jointly petitioned the United States Congress to send a federal commissioner "to remove the Flathead Indians from the Bitter Root Valley in the County of Missoula to their reservation on the Jocko River." The legislators noted that several hundred, recently-arrived white settlers to the valley were engaged in agriculture, mining, and manufacturing, and that their lifestyle clashed with that of the resident Salish.

In 1855 the federal government had established the Flathead Indian Reservation, north of Missoula. But Salish Chief Victor refused the move from his ancestral lands, and he remained in the Bitterroot Valley with about 350 followers.

The influx of white settlers to the American West had triggered the federal government's regular removal of sovereign Indian tribes to reservations—and then its consistent reduction of those reservation land areas. Meanwhile, Victor and his son, Charlo, clung to their traditional lands, in the face of increasing white immigration to the lush Bitterroot Valley.

However, not until 1891 did the federal government force Chief Charlo and his 225 followers to leave the Bitterroot. In Montana's own "Trail of Tears," the leader and his people took four days to trek the 55 miles to the reserve. Charlo died there in 1910—a broken victim of a governmental procedure that began in the Montana Territorial Legislature on this day in 1869.

Legislative Minute: January 12
Annexing Yellowstone National Park

On this day in legislative history—January 12, 1872—the Montana territorial legislature approved a joint council memorial: "In relation to the setting apart of the Yellow Stone Lake, etc., as a national park." In this thinly-veiled subterfuge, the two Montana houses implored the U.S. Congress to create the country's first national park.

More important, they asked Congress to remove a significant section of the northwestern corner of Wyoming Territory and to cede that land to Montana Territory! This section would comprise most of the present Yellowstone National Park (everything north of the Continental Divide), plus some land to the east of the Park. It would include,

> "...the [Yellowstone] Lake, the Great Falls and the Canyon of the Yellowstone, the Great Basin of the Madison...and its innumerable and magnificent array of wonders in geysers, boiling springs, mud volcanoes, burning mountains, lakes, and waterfalls...."

The Montana authors of the memorial argued that this theft from Wyoming Territory was justified because (1) this remarkable country was accessible only from Montana, (2) it contained the sources of water courses that lay wholly in Montana, and (3) it had been explored through the enterprise of Montana citizens.

Congress responded to this and similar recommendations by creating Yellowstone as the very first national park in the United States on March 1, 1872. It never acted on the memorial from the Montana legislature. Thus—while most Montanans still consider Yellowstone Park "ours"—they must reconcile themselves to the fact that Montana may control the three main entrances to the Park, but Wyoming remains the home of the "Wonderland" itself.

Legislative Minute: January 13
The U.S. Un-American Activities Committee

On this day in Montana legislative history—January 13, 1941—the 27th Legislative Assembly was gearing up for the rigors of World War II. A case in point: on this day the Senate Committee on Federal Relations was deliberating Senate Joint Memorial #3, introduced by Charles Mahoney (R-Garfield), Leonard Plank (D-Liberty), and A. A. Alvord (D-Sanders). The memorial asked the U.S. Congress to re-create its controversial "Committee to Investigate Un-American Practices."

The continued federal investigation of espionage and sabotage in America was a particularly ticklish topic to Montanans, because their Congressman from 1939 to 1941 had been Republican Jacob Thorkelson, a Butte physician and an avowed champion of Fascism. Although Thorkelson had been replaced in the 1940 election by the pacifist Republican Jeannette Rankin, Montanans still rankled at Thorkelson's recent public support for Nazism and German Chancellor Adolf Hitler.

In quick order, the Senate committee produced a "do pass" recommendation, and Senate Joint Memorial #3 passed the Senate unanimously. Within a week, the House had approved the measure 81-17. Governor Sam C. Ford signed the memorial on January 31, 1941.

Senate Joint Memorial #3's emphasis on exposing un-American activities accurately reflected the opinions of many Montanans on the eve of World War II. The measure stated:

"Our first line of defense is 'putting our own house in order' to safeguard it against espionage and sabotage....The requests and recommendations embodied in this Joint Memorial are non-partisan in their origin, patriotic in their principle, mandatory by their representation, and entirely compatible with pronouncements against Nazism, Fascism, and all other un-American 'isms.'"

On this day in legislative history, in 1941, Montana took a patriotic stand—through its members of the Senate Committee on Federal Relations. Ironically, on December 8 of the same year, it would be Montana Congresswoman Jeannette Rankin who was the only vote in opposition to U.S. entry into World War II.

Legislative Minute: January 15
The Deadlocked First State Legislature

On this day in Montana legislative history—January 15, 1890—the state's First Legislative Assembly already had been deadlocked for 54 days—and there was no hope in sight of breaking the stalemate.

In the House, 25 Republicans faced 25 Democrats. Here, however, a crucial 5 seats were disputed because of apparent voting irregularities in Silver Bow County's Precinct 34, at Homestake Tunnel above Butte. Both parties claimed the 5 swing seats and, thus, control of the House.

Control was especially important because, prior to 1912, Montana legislators chose the state's U.S. Senators. So, to protect their 5 disputed seats, each party met in separate chambers for the duration of the 90-day session. In effect, two Houses of Representatives existed—each one calling the other the "rump house."

The state Senate also deadlocked, with 8 Republicans and 8 Democrats; a Republican Lieutenant Governor held the swing vote. Here Democrats contrived to prevent the Senate from organizing by refusing to take their seats. Under threat of subpoena, they finally did appear—only to refuse to vote to organize. When the Republicans, to gain a quorum, counted them "present, but not voting," the Democrats again walked out.

In response, the Republican Lieutenant Governor ordered arrest warrants for the missing Democrats. The eight fugitives bolted for other states. Seven made it; only Dawson County Senator W. S. Becker was captured in Glendive and returned to Helena. Released on his own recognizance, he immediately, successfully fled to Idaho.

Unbelievably, the First Montana Legislature emerged from its 90-day session with nothing to show for its efforts. The two distinct Houses of Representatives had passed separate sets of bills, but the deadlocked Senate could enact none of them.

Regarding the most crucial question, Republican legislators elected two of their own as U.S. Senators—Wilbur Fisk Sanders and Thomas C. Power. And Democrats sent two of their own—William A. Clark and Martin Maginnis—to Washington. Since Republicans controlled Congress, Sanders and Power became Montana's first U.S. senators.

Montana's initial attempt to hold a legislative session as a state proved ridiculous, a public embarrassment. Much-needed laws to organize the fledgling state would have to wait until the 1891 session. Was this any way to run a state legislature?

Legislative Minute: January 16
Breaking the Deadlock in the Second Assembly

On this day in Montana legislative history—January 16, 1891—the Second Montana Legislative Assembly entered its twelfth consecutive day of deadlock. As was the case with the First Assembly in 1889-1890, disputed seats from Silver Bow County prevented the House from organizing.

As a result, a state created on November 8, 1889, still lacked organizational legislation in January, 1891. The Senate had organized, and it met daily—only to adjourn quickly because of the stalemate in the House. And there was no hope in sight of resolution.

Finally on January 29—the twenty-fifth day of the Second Assembly—compromise produced a solution. In this instance, Republicans conceded a one-seat majority in the House so it could organize and begin the process of legislating. Of the 150 days allotted for Montana's first two legislative sessions, 114 already had been lost to the partisan stand-off.

The Second Legislative Assembly—in its remaining 35 days of existence—did yeoman's work to provide a basis for the fledgling state's operation. In addition to establishing a revenue system, it set up several state institutions, defined the responsibilities of myriad state officers, structured a state judicial system, established criminal procedures, and organized county government. In addition it found time to debate such local issues as raising the Jefferson River's water level to help irrigators and encouraging the production of sugar beets in the Gallatin Valley.

Finally the brand-new state of Montana was on track. After almost two years of national ridicule and criticism, Montanans could put the embarrassing past behind them and get on with the job of becoming the forty-first state of the Union. The twelfth day of the 1891 legislative stalemate—January 16—proved to be near the end of Montana's "trail of jeers."

Legislative Minute: January 17
The Australian Ballot

On this day in Montana legislative history—January 17, 1889—Councilman Will Kennedy, a Republican reformer from Boulder, signaled his intention to offer a bill establishing the revolutionary Australian, or secret, ballot. On January 23 he introduced Council Bill 8, which mandated the use of the secret ballot and permitted split-ticket voting.

Kennedy had been an activist editorial writer for the Missoulian before establishing his own paper, the Boulder Age, in 1888. His opposition to a voter-registration bill in the 1887 legislature had antagonized the leaders of both parties. His action made the outlook for his 1889 Australian-ballot bill problematic. Republicans and Democrats gleefully cooperated to bury Council Bill 8 in committee.

But Kennedy persevered. Through his newspaper, he generated a rabid public-petition campaign across Montana in support of the secret ballot. Day after day he rose in the Council chamber, waving copies of the circulated petitions, signed by hundreds of Montana voters.

This combination of public pressure and the election fraud generated by "Copper Kings" William A. Clark and Marcus Daly proved an overwhelming combination. Finally both parties succumbed, brought Council Bill 8 out of committee, and passed it in both houses. Governor Preston H. Leslie signed the secret-ballot bill into law on March 15, 1889.

Although Massachusetts and Kentucky had passed similar bills in 1888, Montana became the first state in the Union to use the secret ballot in a statewide election (October, 1889). At the time, national publications called the Montana legislation: "the most thorough yet, because the law of that new State is a complete application of the Australian system in its most essential principles."

This "Montana first" was the product of Councilman Will Kennedy's political skill, as well as the relentless determination of the people of Montana. And Kennedy started this precedent-setting ball rolling on this day in legislative history—January 17, 1889.

Legislative Minute: January 18
The Legislative Council

On this day in Montana legislative history—January 18, 1957—Representative Ben E. Berg, Jr., of Livingston and 11 co-sponsors introduced House Bill 46: "An Act Relating to the Creation of a Legislative Council."

Approved by both houses and signed by Governor J. Hugo Aronson on February 21, 1957, the law was designed to strengthen the Legislature by establishing a 12-member bipartisan committee to direct interim research. Attempts to create a Legislative Council in 1953 and 1955 had failed—although 35 states at the time operated similar council organizations. The 1957 legislation survived an immediate Supreme Court challenge.

The new Legislative Council was a response to the public demand for increased state-government services in the post-World War II period. For example, almost immediately the Council assumed its bill-drafting function—wresting that duty from lobbyists and over-extended legislators. Montana journalist J.D. Holmes always referred to the Legislative Council as "the research arm of the Legislature."

During the legislative interim, the Council conducts major studies on topics assigned by the Legislature. Those studies regularly constitute the most comprehensive, cogent background documents available to harried legislators. In addition, the Council's legislative reference library provides a key service to both legislators and the general public.

Legislation in 1995 reorganized the Legislative Council. It currently is composed of four members of the House, four members of the Senate, the Speaker of the House, the President of the Senate, and the minority leaders of each house. The 1995 reorganization separated the committee from the staff, and it designated the staff as the Legislative Services Division.

The crucial role played by the Legislative Council in Montana's legislative function is demonstrated both during the hectic 90-day, biennial sessions and during the extended interims. Services that it regularly provides appreciably have strengthened the state's legislative branch since House Bill 46 first was introduced, on this day in Montana legislative history—January 18, 1957.

Legislative Minute: January 19
Moving to Impeach Governor Frank Cooney

On this day in Montana legislative history—January 19, 1934—the longest extraordinary session ever held finally adjourned sine die. For 54 days, the Twenty-Third Assembly had wrestled with a sequence of Great Depression crises—and then with a series of "pet projects."

Since even a normal legislative session ran only 60 days at the time, this special session in the midst of a belt-tightening economic disaster infuriated Montana citizens. Anger ran so high that Democrat Governor Frank H. Cooney nearly was impeached.

Governor Cooney had called the extraordinary session to address such Depression-era problems as emergency relief programs, new sources of state revenue, and the construction of irrigation dams. The federal repeal of Prohibition in December, 1933, also forced the state to amend its liquor laws and to establish the Montana Liquor Control Board. In his opening remarks, Governor Cooney had said,

> "Let me express the hope that...you may be as expeditious as possible....The matter of politics is not involved here. We should meet and confer and legislate with only one aim: the high and holy purpose of enacting laws...that will make it impossible for any citizen within our borders to suffer from cold or hunger so long as the depression continues...."

However, once in session, legislators extended their parameters to include a batch of "pet projects:" cosmetics sales; a University System building in Lewistown; school-district consolidation; rules for sprinkling dusty streets; restrictions on nepotism in state government.

At one point, Governor Cooney publicly admonished legislators to "stick to the agenda." Several lawmakers responded by authoring a resolution to impeach him on "high crimes, misdemeanors or malfeasance in office" and to remove him from office.

As the weeks dragged on, Montanans urged legislators to conclude their marathon session. On January 18, 1934, Governor Cooney escaped impeachment when the resolution narrowly was defeated 50 to 41. On the following day—January 19—the longest special session in Montana history concluded. The whole experience was so distasteful that not another extraordinary session was called for 33 years!

Legislative Minute: January 20
A Charlie Russell Commemorative Stamp

This day in Montana legislative history—January 20, 1955— marks the introduction in the House of Representatives of House Joint Memorial #2: "Relating to the Issuance of a Stamp Commemorating Charles M. Russell." On February 11, copies of the approved memorial were directed to Montana's Congressional delegation and to the U.S. Postmaster General.

This memorial signaled a Montana reawakening to the career of Charlie Russell and an acknowledgment that he represented some of the best of Western art. Simultaneously the state raised money to prevent important pieces of Russell art from being sold out-of-state, the Historical Society acquired the pivotal Mackay Collection of Russell artwork, and Charlie became the state's representative in Statuary Hall in the nation's Capitol Building.

This 1955 memorial paid belated dividends. The first commemorative U.S. postal stamp to use a Charlie Russell painting was the 4-cent Range Conservation stamp in 1961, which adapted his pen-and-ink sketch of "The Trail Boss." In 1964—the centennial of Russell's birth—Charlie's open-range scene "Jerked Down" appeared on the 5-cent stamp commemorating the creation of Montana Territory 100 years earlier. And finally, in 1989, a detail from the painting "Charles M. Russell and his Friends" became Montana's Statehood Centennial stamp.

In the introduction to his collection of Western tales entitled Trails Plowed Under, Charlie wrote his own epitaph:

"I am an illustrator. There are lots better ones, but some worse. Any man that can make a living doing what he likes is lucky, and I'm that. Any time I cash in now, I win."

Charlie Russell died in Great Falls in 1926. Less than 30 years later—on January 20, 1955—the Montana Legislature honored him with House Joint Memorial #2. All across Montana, in myriad ways, Charlie still lives with us today.

Legislative Minute: January 22
Special Legislative Sessions

On this day in Montana legislative history—January 22, 1924—Governor Joseph M. Dixon convened the Eighteenth Montana Assembly in extraordinary session.

On January 11 the Montana Supreme Court had ruled that the legislative appropriations produced by the 1923 session were null and void, as a result of Dixon's gubernatorial veto procedure. Thus he summoned the special session on this day to enact a series of appropriation laws to run state government—as well as to validate all interim warrants issued by the State of Montana against those appropriations.

This extraordinary legislative session was only the seventh called since Montana had joined the Union 35 years earlier. In fact, prior to the late 1960s, special sessions were the exception: none was convened between 1934 and 1967! Then they became the rule: since 1967 the legislature has been called back into extraordinary session 19 times—most recently in May, 2000.

The 1972 constitution mandated 60-day annual sessions, but voters—by a narrow margin—returned the state to 90-day biennial sessions in 1974. Some observers would argue, however, that the frequency of special sessions since 1974 practically has created an annual-session format. This recurrence of extraordinary sessions has been attributed to the increase in size and complexity of the state budget, to greater citizen expectations of the legislature, and to federal mandates placed on the state.

Since the late 1960s, proponents of annual sessions have argued that the yearly format affords greater citizen access to state government, increases government responsiveness to citizen interests, and makes the legislature more timely in meeting unforeseen crises.

Defenders of the biennial format continue to cite the money saved over annual sessions and note that the "citizen legislator" nature of the Montana assembly (versus a "professional legislator" quality) is promoted by the current system.

The controversy continues—a debate on special sessions that Governor Joseph M. Dixon gladly would have joined, on this Montana legislative day in 1924.

Legislative Minute: January 23
The Enabling Act and Statehood

From 1864 to 1889, white settlers and their legislative representatives fought the territorial status that saddled Montana. "Second-class citizenship" was the charge most frequently hurled at Congress. A government run by appointed—rather than elected—officials constantly irritated Montanans.

On this day in Montana legislative history—January 23, 1879—both houses of the Eleventh Territorial Assembly passed House Joint Memorial #13. This request was another in a long line begging Congress to produce an "enabling act" that would bring Montana statehood.

On the eve of the 1880s, Montanans anticipated transcontinental railroad connections that would generate increased immigration and a vastly improved economic climate. With the completion of the Utah and Northern Railroad in 1881 and the Northern Pacific in 1883, this bright future seemed assured. In fact, in 1884, Montanans held a Constitutional Convention that created a draft state constitution.

Unfortunately, however, Montana statehood became mired in partisan national politics. The Democrats, who held the majority in the U.S. House of Representatives, supported Democratic Montana and New Mexico. But the Republicans, who controlled the U.S. Senate, favored Republican strongholds Washington and Dakota.

The standoff finally broke when Republicans swept the national election in 1888. The "Omnibus Bill," signed by out-going President Grover Cleveland on February 22, 1889, served as the "enabling act" sought by the Eleventh Assembly in its House Joint Memorial #13 in 1879. It signaled Montana, the two Dakotas, and Washington that—if they would produce proper constitutions—they could gain immediate entrance into the Union.

And Montanans just happened to have the 1884 constitution as a model to use in their 1889 Constitutional Convention. Thus the line drawn between the granting of Montana statehood on November 8, 1889, and House Joint Memorial #13 a decade earlier is a direct one—commenced on this date in Montana legislative history: January 23, 1879.

Legislative Minute: January 24
Sleigh-tread Specifications

On this day in Montana legislative history—January 24, 1923—Senator Henry W. Lowe, a Republican from Roosevelt County, introduced Senate Bill 53, which was sent to the Committee on Agriculture.

By this legislation, it would be unlawful after January 1, 1924, to sell a sleigh in Montana "unless the runners of such sleigh shall measure, from center to center, 4 feet and 6 inches or wider." The act also made it illegal, after January 1, 1928, to use a sleigh on Montana public roads that did not meet the minimum 4-feet, 6-inch requirement. The penalty for this misdemeanor was a fine of not less than $10 and not more than $25.

Senate Bill 53 was initiated by members of the popular "good roads movement." Supporters agreed that it offered worthwhile benefits—as the bill was designed to improve winter-traffic movement by standardizing tread lines in deep snow on public roads.

In practice, however, the act faced widespread, angry opposition. During the late 1920s and into the 1930s, many Montanans still heated with wood. Woodcutters long ago had settled on very narrow-gauge sleighs to haul firewood from the mountain forests to customers in towns. Were they to transfer their loads to a wide-track sleigh once they left the woods and hit the public roads? Were they to invest in a public-road sleigh to complement their mountain sleigh? Many woodcutters threatened to quit the business altogether if the new law were strictly enforced.

The (Kalispell) Daily Inter Lake remarked in an editorial:

"This new sleigh law was undoubtedly passed with the best of intentions and theoretically should be enforced to the letter. But, if it is, it will mean cutting off a good deal of revenue to some people, and it will mean an increased cost for fuel and much inconvenience to others.

"Under these circumstances, we believe it would be just as well if a yard stick were not added to the gun, "billy club," and handcuffs which now constitute the equipment of the peace officer."

Ultimately, practicality forced the law into disuse, and then obscurity. The 1974 Legislature repealed the sleigh-runner act, and once again Montanans legally could pilot sleighs of various widths.

Legislative Minute: January 25
Joseph K. Toole Biography (1851-1929)

We pause on this day in Montana legislative history—January 25—to honor one of Montana's outstanding leaders, the state's first governor Joseph Kemp Toole. When the newly-minted Capitol opened its doors for business in 1902, it became the home of a governor who matched the sturdy elegance of its design.

Joseph K. Toole had arrived in Helena, Montana Territory, in 1869, after stops in Missouri and Kentucky. He read law independently and joined the Montana bar in 1872. Forty years of public service followed: as President of the Legislature's Council (1881-1883); as a delegate to both the 1884 and the 1889 Constitutional Conventions; as Montana's Congressional delegate (1885-1889); as the state's first governor, elected at the age of 38. His passionate and eloquent advocacy for Montana statehood on the floor of Congress earned him solid national recognition.

Toole's strong leadership held Montana together as it struggled through its first two, futile legislative sessions in 1890 and 1891. When he was reelected as governor in quieter times—in 1900 and again in 1904—he initiated social, educational, and political reforms that characterize Montana today.

Nominally a Democrat, Toole consistently rose above party politics. He valued people from all walks of life and from diverse racial backgrounds. He lived by the highest ethical standards. At the time of his death in 1929, the Lewistown Democrat-News joined other Montana papers in unalloyed praise:

"Few men had a stronger hold upon the hearts of the people of Montana than Governor Toole....He possessed fine courage but never felt that he should demonstrate that quality by needless attack or defamation. He fought his battles with fairness, gallantry, and good temper.

"Toole towered above the average of his fellows as the Rockies lift themselves above the lesser mountain ranges. The breadth of his vision was comparable to the expanse of this western plain."

On this day in Montana legislative history—January 25—Toole's legacy continues to infuse Montana state government with real quality and distinct honor. That is the reason that his portrait currently hangs above one of the hearths in the Governor's Reception Room. Through the ages, Joseph K. Toole has cast a long, long shadow.

Legislative Minute: January 26
Senator Fred Whiteside Dismissed

On this day in Montana legislative history—January 26, 1899—Senator Fred Whiteside, a Kalispell Democrat, was unseated and banished from the Senate chamber. He was replaced by Republican John H. Geiger, ostensibly because a "reassessment" by the Senate Committee on Elections and Privileges showed that Whiteside had lost the Flathead County election, 688 to 687. The truth behind Whiteside's dismissal proved much more sordid.

From 1889 until 1914, Montana legislators assembled in joint session to select the state's U.S. senators. During the late 1890s, Butte Democrat and "Copper King" William Andrews Clark sorely coveted one of those Senate seats. However, his arch-enemy "Copper King" Marcus Daly had blocked that move prior to 1899.

Clark and his men arrived at the 1899 session well-prepared. They bought Senate votes at $10,000 and House votes at $5,000—considerable sums of money for the times. To expose this vile manipulation of the public interest, Senator Whiteside had agreed to act as a go-between for Clark's lieutenants. He had accepted a total of $30,000 in $1,000 bills to convey to two senators and one representative.

On January 10, before a joint legislative session, Whiteside rose on a point of personal privilege and exposed the bribery scheme. As the clerk waived four envelopes containing the $30,000, Whiteside declared,

"I don't care if there isn't another man in the state who will stand by me. I have been told that if I persisted in bringing this matter before the joint session I would lose my seat in the senate. I say to you that I don't want a seat with men who are corrupt. I would rather go back to the carpenter's bench where I made my start in life.

"What new moral or ethical code has been discovered which makes bribery a virtue? What new moral or ethical code condones the crime of a man because he is rich?"

A subsequent investigation showed that the Clark forces had expended more than $400,000 on the bribery project. And, with Whiteside dismissed as an object lesson, the legislature on January 28 elected Clark to a U.S. Senate seat. Whiteside's replacement, Republican Geiger, voted with the majority to select Clark. However, Marcus Daly fought the election on the federal level, and he prevented Clark from taking his Senate seat in Washington.

It would not be until 1901—after Daly's death—that William A. Clark became "the Senator from Montana." Yet his quest for this high office all stems from the dismissal of "whistle-blower" Fred Whiteside—on this day in Montana legislative history: January 26, 1899.

Legislative Minute: January 27
The Montana Historical Society

On January 27, 1865, Council Bill 15 passed the Montana Territorial House and was returned to the Council—on its way to final approval on February 2.

Council Bill 15 authorized the incorporation of the Historical Society of Montana, a private organization designed "to collect and arrange facts in regard to the early history of this Territory." Thus—practically at the dawn of any concerted white settlement of Montana—some immigrants understood the need to document their actions in this Indian homeland.

After suffering a devastating 1874 fire that depleted its holdings, the Society rebuilt its collections in Helena. In 1891 the institution transferred its holdings to the new State of Montana and, in 1893, it became a state agency. With the opening of the new state Capitol in 1902, the Historical Society took up quarters on the ground floor.

The Society was reorganized in 1949 and, in 1952, it moved into its current quarters in the Veterans and Pioneers Memorial Building, just to the northeast of the Capitol. Since that time it has grown into one of the premier historical societies in the American West.

Its programs include Administration, Library, Archives, Photo Archives, Museum, Education, Historic Preservation, and Publications. The Society serves as the Archives for the state of Montana, and its quarterly magazine, Montana: the Magazine of Western History, has become a model for historical-society publications across the nation.

The Historical Society also functions as the administrative agency for the Lewis and Clark Bicentennial Commission and for the Montana Heritage Preservation and Development Commission.

The historical presence exhibited by Montana's legislative forefathers—more than 135 years ago—is remarkable. By creating the Historical Society of Montana, they insured that the Montana story would be preserved. And that task all started on this day in Montana legislative history: January 27, 1865.

Legislative Minute: January 29
Governor Rickards' Quorum Decision

On this day in Montana legislative history—January 29, 1890--the U.S. Congress established a parliamentary precedent that had been used first in the Montana legislature just weeks before. Montana's First Legislative Assembly convened in Helena on November 23, 1889, for a 90-day session to establish a new state government. But the two houses were hopelessly divided. To protect five disputed House seats from Silver Bow County, House Republicans met separately from House Democrats. The Senate contained 8 Republicans and 8 Democrats, with Republican Lieutenant Governor John E. Rickards holding the swing vote. Here Democrats refused to appear in the Senate chamber, thus preventing a quorum and the Senate's ability to organize.

When Rickards subpoenaed the Democrat senators, they appeared--but they refused to answer any roll-call quorum vote. By established parliamentary practice, this silence prevented a quorum. Enter the Honorable W. J. McConnell of Moscow, Idaho--later the governor of that state. McConnell persuaded Rickards that he could count "all those in actual bodily attendance as present to do business."

On December 19, 1889, Rickards surprised the Senate Democrats by using voice-vote majorities and his reinterpretation of the "quorum count" to organize the Montana Senate. It was this tactic that U.S. House Speaker Thomas "Czar" Reed used in Congress just weeks later. Reed thus set a national parliamentary precedent subsequently upheld by the U.S. Supreme Court.

Montana Democrats, however, found new ways to block Senate action. They first refused to appear in the chamber at all. Then, when new subpoenas were issued to force their presence, they fled the state--beyond the sergeant-at-arms' jurisdiction.

Montana's First Legislative Session was an embarrassing farce, ridiculed across the nation. Legislation to organize the new state would not be produced until the second session in 1891. Nevertheless, Lieutenant Governor Rickards' legislative high- jinks set a parliamentary precedent still recognized today. And his tactic hit the political "big time"--the U.S. Congress--on this day, January 29, in Montana legislative history.

Legislative Minute: January 30
Railroad Subsidies and Exemptions

On this day in Montana legislative history—January 30, 1879—the House Committee on Internal Improvements was considering House Bill 31: "An Act to Encourage the Construction of Railroads in Montana."

The importance of railroad access to nineteenth-century Montana cannot be over-emphasized. Montanans at the time—and historians since—have recognized that railroads were the key to the settlement and economic development of Montana. Thus, throughout the 1870s, the legislature dealt with various enticements to lure railroads into and through the territory.

Soon two camps developed: the first would provide significant tax subsidies to railroads; the second opposed these tax-exemption incentives. Opponents argued that railroads would profit substantially and immediately upon finishing construction, and that Montana's "tax incentives" provided unnecessary "gravy" for these corporations.

Although House Bill 31 passed the House, it was killed in the Council on the last day of the session. Then Governor Benjamin F. Potts called an extraordinary session of the Eleventh Assembly in July, 1880—specifically to produce a tax-exemption package for the Utah and Northern Railroad, building north through Idaho. To block this attempt, six House members who were opposed to subsidies fled Helena, thus preventing a quorum. They proudly labeled themselves "deserters for the cause of anti-exemption."

The fugitives escaped by overnight stagecoach from Helena to Fort Benton. And they were prepared—if need be—to board a steamboat for St. Louis. But this subterfuge proved unnecessary when the anti-subsidy coalition gained new votes to block the legislation. Finally the deserters returned to Helena, just in time to help in voting the bill down.

The Utah and Northern ultimately reached Butte in 1881, the Northern Pacific completed its transcontinental line through Montana in 1883, the Great Northern built across the Hi-Line and into Great Falls in 1887, and the Milwaukee Road spanned the state in 1909. Neither the territory nor the state subsidized any of this construction. And an important component of that campaign was the Assembly's defeat of House Bill 31—debated on this day in Montana legislative history: January 30, 1879.

Members of the Territorial Council, Twelfth Session, 1881.

Legislative Minute: January 31
Ella Knowles and Women Practicing Law

On this day in Montana legislative history—January 31, 1889—the Territorial Council passed Council Bill #4 and sent it to the House. This measure—introduced by attorney Walter M. Bickford of Missoula—would amend the Compiled Laws of Montana to allow women to practice law.

When Governor Preston H. Leslie signed the bill on February 13, the door opened wide for Ms. Ella Knowles. She had arrived in Helena in 1888 and read law with Joseph W. Kinsley. Meanwhile she determined to change Montana's standards concerning practicing attorneys. A dedicated lobbyist, she became the driving force behind the passage of Council Bill #4—despite public ridicule and editorial criticism.

On December 26, 1889, Ella Knowles became the first woman admitted to practice before the State Supreme Court—Montana's first female lawyer and its first female notary public. In her fledgling practice, Miss Knowles met with quick success and soon became the peer of the ablest attorneys in the state. She specialized in the complexities of mining law.

But Ella Knowles' ground breaking was not finished. In 1892 the Populist party nominated her for Montana attorney general. A local paper commented on the election:

"She canvassed the state thoroughly, making over one hundred speeches. So close was the result between herself and the Honorable Henri J. Haskell, her Republican opponent, that the official ballot had to be re-examined to decide who was the winner. She lost by a few votes, but her most credible campaign showed that she was extremely popular with the people."

Henri Haskell subsequently hired Ella as his assistant attorney general, and the two were married in 1894. In Ella's several Populist campaigns, her oratorical abilities earned her the nickname of "the Portia of the People." Upon her death in 1911, at the age of 50, a Butte paper remarked:

"The obstacles that Ella Knowles Haskell encountered were probably greater than those confronted by any other attorney connected with the bar of Montana. That she had so victoriously triumphed against the opposition of injustice and prejudice is in line with her whole successful career."

Ella Knowles proved a worthy setter of precedent for women in Montana. And her successes all began on this day—January 31, 1889—when the Council passed Council Bill #4 and sent it to the House.

Legislative Minute: February 1
Jeannette Rankin Talks Suffrage

On this day in Montana legislative history—February 1, 1911—31-year-old suffragist Jeannette Rankin addressed an overflow crowd in the House of Representatives chamber. Out of deference to the ladies present, House leaders had ordered the spittoons removed from the House floor.

Fresh from a successful suffrage campaign in Washington State, Ms. Rankin had accepted the challenge to speak to the Montana legislature on the topic of the vote for Montana women. The Missoula native was escorted to the podium by a squad of stalwart Montana suffragists: Dr. Maria Dean; Dr. Mary B. Atwater; Mrs. James U. Sanders; Mary L. Alderson; May Murphy. Ms. Rankin spoke for approximately 20 minutes.

Of her speech, the Helena Independent remarked:

"She neither begged for support, threatened, cajoled, or appealed to the chivalry of men. Rather, she simply advanced her argument and asked for a sincere and earnest consideration of it."

The vivacious Ms. Rankin faced head-on the popular thesis that "a woman's place is in the home." She argued:

"Men want women in the home and they want them to make the home perfect. Yet how can women make it perfect if they have no control over the influences on the home?

"It is beautiful and right that a mother should nurse her child through typhoid fever. But it is also beautiful and right that she should have a voice in regulating the milk supply from which the typhoid came."

Resounding applause and a standing ovation followed Jeannette's address—which occurred on this day in 1911.

The 1913 Legislature placed the franchise issue on the ballot and, in 1914, Montana's male voters approved the necessary Constitutional Amendment. Montana women first voted in the 1916 election. As a result of that election, two women joined the 1917 legislature. Moreover, Montana's Jeannette Rankin became the first woman ever to serve in the U.S. Congress.

Legislative Minute: February 2
The Montana Highway Patrol

On this day in Montana legislative history—February 2, 1935—the Senate Committee on Roads and Highways had under consideration Senate Bill 26: "An Act Creating the Montana Highway Patrol." The bill ultimately was signed by Governor Frank H. Cooney on March 14, 1935. As an "emergency measure," the act became effective in 60 days.

The creation of the Montana Highway Patrol was deemed an "emergency" because of a rise in Depression-era crime and because of much-increased auto and truck traffic on Montana's improved roads. In this era of "powerful cars and gravel highways," the Highway Patrol would enforce a series of vehicular violations, also outlined in Senate Bill 26.

Opposition to a statewide police force came primarily from civil-rights advocates and Butte labor unions. Thus, into the bill were written several specific restrictions. One prevented the Patrol from congregating in any one county to act as a single "state police unit." Another kept the Patrol from any involvement in labor disputes, strikes, or boycotts.

The bill also mandated—for the first time—that all drivers obtain operator licences, either from the Registrar of Motor Vehicles or from their county treasurer.

The 1935 Montana Highway Patrol consisted of a state supervisor and 24 patrolmen—two assigned to each of the state's 12 highway districts. The officers piloted 24 brand-new 1935 Ford Coupe patrol cars. Starting salary for the men was $125 per month.

In 1956 the Patrol developed its insignia incorporating the legendary Vigilante numbers "3-7-77." Controversy over the implications of this usage continues to the present. Nevertheless, it all can be traced back to this day in Montana legislative history—February 2, 1935—when the Highway Patrol bill was under debate.

Legislative Minute: February 3
Wilbur Fisk Sanders Biography (1834-1905)

We pause on this day in Montana legislative history—February 3—to honor another of Montana's political leaders, the esteemed Republican Wilbur Fisk Sanders (1834-1905). No Montana legislative figure better exemplifies the principled character of nineteenth-century Montana development.

Born in New York, Sanders accompanied his uncle, Sidney Edgerton, from Ohio to Bannack in 1863—where he became an outstanding young attorney. At grave personal risk, Sanders helped to create the Vigilantes and served as the prosecuting attorney of Henry Plummer's "Innocents."

But Sanders was much more than just a "Men, Do Your Duty!" law-and-order advocate. He was elected president of the Historical Society of Montana in 1865, a post which he held until 1891. His interest in Montana history drew him to the Society of Montana Pioneers, of which he became chairman in 1888. He also served as director of the Board of Trustees of Montana Wesleyan University in Helena, and he was elected the first president of the Montana Bar Association in 1885.

Wilbur Fisk Sanders served in the Territorial House from 1873 through 1879. Here he built an enviable reputation as an orator, an intellect, a man of principled conviction, and a staunch Republican politician. He provided the leadership for Montana's Republican party comparable to that exercised by his contemporary—Democrat Governor Joseph K. Toole.

Sanders played "king maker" to many a Republican politician during the last decades of the nineteenth century. In response, the Republican legislature in 1889 elected him one of the state's first U.S. Senators.

During his legal career, Sanders engaged in nearly all of Montana's important legal conflicts. He proved "the fearless foe of wrong and the tireless friend of the helpless when injustice threatened them—often receiving little or no compensation." Just five months before his death in 1905, the legislature honored Sanders by naming for him a new county in western Montana.

A statue of Sanders was placed on the landing of the Capitol's grand stairway in 1913—where it remained until 1980, when it was replaced by the Jeannette Rankin bronze. Since then he has resided outside the Capitol, on the back oval.

This Montana legislative pioneer represents the very best of early Montana political integrity. During his lifetime, Montanans profited from the sacrifice, insight, and historical sense of Wilbur Fisk Sanders. They still do.

Legislative Minute: February 5
Moving the Capital to Helena

On this day in Montana legislative history—February 5, 1874—the Territorial Council passed House Bill 15 on third reading and sent it to the Governor for his signature. As signed by Governor Benjamin F. Potts, this act placed an important question before Montana voters at the next general election: Should the territorial capital be removed from Virginia City to Helena?

Montana's first territorial capital had been Bannack—the site of the initial placer-gold boom. But, when that strike waned in 1865, the First Legislative Assembly shifted the capital to another gold-boom camp, Virginia City. Here it had remained— despite Helena's election attempts in 1867 and 1869 to wrest it away. The 1874 contest gave Helena another chance.

Voting irregularities marked the 1874 election. The Gallatin County returns were thrown out, and totals from Meagher County were certified as fraudulent. Election results evolved into a court case that ultimately was settled by the Montana Supreme Court, in Helena's favor.

In the spring of 1875, an outfitter for the Diamond R freighting company carried all of the records and furniture of the decade-old territorial government to Helena in just three freight wagons! Because of heavy springtime mud, he chose the route down the Ruby and Jefferson Rivers, and then up the Boulder, over Boulder Hill, and into Helena via Prickly Pear Creek. The move took a full 10 days.

Once Helena became Montana's capital, it never let go! "The Queen City of the Rockies" defended its crown several times—most notably in "the Great Capital Fight of 1894," in which it defeated Anaconda. When the Capitol Building was opened to the public in 1902, however, moving Montana's seat of government became a mute point.

We sit today in Helena because of a process begun in Virginia City on this day in Montana legislative history—February 5, 1874.

Legislative Minute: February 6
Consolidating the University Units

This day in Montana legislative history—February 6, 1913— marks the Senate Education Committee's hearing on controversial Senate Bill 105. As ultimately passed by the 1913 legislature, this act established a statewide University System, placed it under the State Board of Education, and established a new, supervisory "Chancellor's" position.

However, Senate Bill 105 was a compromise. The 1913 session had started with Senate Bill 74. This measure likewise had attempted to consolidate the four units of Montana's higher-education system—the University of Montana in Missoula, the College of Agricultural and Mechanical Arts in Bozeman, the School of Mines in Butte, and the State Normal School in Dillon. Moreover, it proposed to locate all four units on the same campus, either in Bozeman or in Missoula.

This consolidation move was a revival of a plan offered by State Senator Paris Gibson of Great Falls in 1893, when the legislature first divided the various state institutions among Montana's communities. Gibson had proposed a single educational complex in Great Falls—on land donated to the state by him. He even offered the state a "siting bonus" of $100,000. However, parochial interests prevailed, and the various units of higher education were scattered to different locations as "patronage plums." Senate Bill 105 moved to unite the four units at least administratively.

Then the whole "single campus" issue was placed before Montana voters by initiative in 1914. They rejected that sort of unification by a 3-2 vote. Missoula County voters were most in favor (74%), and Gallatin County voters were most opposed (92%).

Thus Montana's continuing attempt to streamline its higher- education system has deep roots—roots more than a century old. And one of the most important mileposts in that process occurred on this date in Montana legislative history: February 6, 1913.

Legislative Minute: February 7
The Leighton Act

On this day in Montana legislative history—February 7, 1911—the House of Representatives received Senate Bill 35, recently passed by the Senate. On March 6, 1911, Governor Edwin L. Norris signed the bill into law.

Senate Bill 35 was better known as "the Leighton Act"—named after its prime sponsor Senator I. A. Leighton, a physician from Boulder. The Leighton Act revolutionized county organization in Montana and created problems with which Montanans still wrestle today.

Prior to 1911, a new Montana county could be created only by legislative action. And, during Montana's 22 years of statehood, the legislature had kept a very tight rein on county proliferation. Montana comprised just 28 counties at the beginning of the 1911 session.

The Leighton Bill would change all that. With it Montana legislators opened the creation of counties to a citizens-petition process. This action came in response to Progressive-reform sentiment and to the gathering momentum of the high-plains homestead boom. Once minimal financial and geographic requirements were met, citizens could petition their current county commission to force a popular election on the question of a new county.

Because of the Leighton Act, the floodgates opened and "county busting" became a popular Montana sport. Between 1911 and 1925, Montana exploded from a state with 28 counties to one with 54 counties!

Ultimately, because of the Leighton Act—received by the House of Representatives on this day in Montana legislative history, February 7, 1911—"county consolidation" has become a recurring issue for the Montana legislature.

Legislative Minute: February 8
Visiting Norwegian Royalty

On this day in Montana legislative history—February 8, 1939—Reynold C. Dahl, a Republican from Great Falls, introduced Senate Joint Resolution #6: "Relating to the Visit of Crown Prince Olav and Princess Martha of Norway to the United States."

By this resolution, the Legislature extended an invitation to their royal highnesses to visit Helena on May 29, 1939. In April the royal couple would arrive in New York to open the Norwegian pavilion at the 1939 World's Fair at Flushing Meadows. Then they would embark on a 10-week goodwill tour of the United States that would take them from coast to coast. To honor the royal visit to Montana, Governor Roy E. Ayers proclaimed May 29 a state holiday, "Velkommen (Welcome) Day."

The "Norwegian Special" arrived in Helena at 10:35 a.m. to begin a tightly-scheduled day of festivities—called by the Helena Chamber of Commerce "one of the greatest holidays in Helena's history." The itinerary included reviewing the Vigilante Day Parade at noon, sharing a luncheon with more than 1,000 people at the Civic Center ballroom at 2:00 p.m., having an audience with Helena children in the Civic Center auditorium at 3:15, and taking an automobile excursion into the Helena Valley to inspect the Porter Brothers gold dredge—before leaving on the "Norwegian Special" at 6:05 p.m.

On May 29, the festivities proceeded without a hitch. The police estimated that 10,000 visitors joined Helena's population of 15,000 to honor the royal couple. Helena radio station KPFA carried the events live for those who preferred not to fight the crowds. At one point, Prince Olav remarked:

"One thing that has impressed us especially in Montana is the easy, extemporaneous way in which the speeches of welcome and presentation have been made. In other places, such speeches are often written out and read with much nervousness....Here the words of welcome and compliment have been so sincere and unaffected that they made a deep impression on us."

Warm words for Montanans who, on the eve of World War II, feared the impending problems Norway would encounter! And the whole process of the royal visit began in the Montana legislature on this day in Montana history—February 8, 1939.

Legislative Minute: February 9
Thomas C. Power Biography (1839-1923)

We pause on this day in Montana legislative history to highlight the career of one of Montana's outstanding businessmen and political leaders, Thomas C. Power (1839-1923) of Fort Benton and Helena.

Born in Iowa and educated in Wisconsin, Power arrived in Montana Territory in 1867 and began to build a commercial empire that ultimately stretched from Canada to Utah and from St. Louis to the Flathead Valley. By the turn of the century, Power's career had earned him the nickname of "the Merchant Prince of Montana."

During the last four decades of the nineteenth century, Thomas C. Power expanded his investments and operations into the fields of the fur trade, overland and river transportation, mining, ranching, lumbering, public utilities, banking, and real estate—as well as hardware and mercantile supply. He founded or invested in over 95 companies in the course of a vigorous business career.

A staunch Republican throughout his life, T. C. Power early became involved in territorial, state, and national politics. He served as a leading member of the 1884 Constitutional Convention. Although Democrat Joseph K. Toole defeated him in the 1889 election for the governor's chair, the First Montana Assembly, in the same year, elected him to a full term in the U.S. Congress. In the Senate, he championed such Montana issues as the free coinage of silver, irrigation, the disposal of the public domain, and the wool tariff.

Although the roles of merchandise and transportation have not been as romanticized as other aspects of Montana history, the career of Thomas C. Power illustrates their key importance to the development of Montana. This economic leader became a political leader, and all of Montana benefitted from his vision and his determination.

Upon Senator Power's death in 1923, the Helena Independent remarked, "In all the relations of a singularly active and useful life, Thomas C. Power exemplified the finest spirit of individual and civic loyalty." A fitting epitaph for one of Montana's true statesmen and economic leaders.

Legislative Minute: February 10
Grazing Districts Created

On this day in Montana legislative history—February 10, 1933—the Senate Committee on Public Lands returned Senate Bill 127 to the full body with a "do pass" recommendation. The bill had been introduced just three days earlier by E. P. Ekegren, a Republican from Harlem, J. F. Kilduff, a Democrat from Malta, and Henry Thien, an Independent from Ryegate. This nonpartisan measure would create the nation's first statewide program of cooperative grazing associations and districts.

By 1933 Montana had been trapped in a drought cycle for 15 years. Season after season of meager rainfall had resulted in a widespread "homestead bust and exodus." Those farmers and ranchers who remained sought imaginative—even revolutionary—ways to deal with the Montana environment: new crop strains; livestock and crop diversification; soil-conservation measures; innovative farm equipment; shelter belts; joint marketing techniques; experimental farms.

As signed by Governor "Honest John" Erickson on March 7, 1933, Senate Bill 127 authorized the organization of cooperative grazing associations and encouraged the creation of association districts. Those associations could acquire—either by purchase or lease—lands for grazing or forage-crop production. They could regulate and manage those lands for the common good of the association members. A major focus of the legislation was to restore Montana agricultural lands depleted during the "homestead boom" (1906-1918).

Senate Bill 127 reflected the stunning 1928 success of the Mizpah-Pumpkin Creek Grazing Project in Rosebud and Custer Counties. In that instance, careful management had restored ravaged grazing-district lands to full productivity.

In 1934 the federal government instituted the Taylor Grazing Act—a cooperative plan that applied the Montana program across the entire American West. And that revolutionary agricultural measure followed the lead set by the Montana Assembly on this day in legislative history: February 10, 1933.

Legislative Minute: February 12
Samuel V. Stuart and Montana Government

On this day in Montana legislative history—February 12, 1931—Samuel V. Stuart, a Democrat from Lewis and Clark County, introduced House Bill 335. The bill dealt with taxable aspects of a legal action. In this case, however, the sponsor of the measure was more important than the bill he carried.

Samuel Vernon Stuart was the only governor to work in all three branches of Montana state government: the legislative, the executive, and the judicial. He served two terms as governor (1913-1921), a single term as a representative (1931-1933), and then as an associate justice of the Montana Supreme Court (1933-1939). That feat reflects the remarkably diverse career of this Montana political leader.

Born in Ohio in 1872, Stuart was educated in Kansas and obtained a law degree there. In 1898 he started a law practice in Virginia City, serving as city attorney and Madison County attorney for several terms. Only forty years old when elected, Stuart served consecutive terms as governor from 1913 to 1921—particularly during Montana's controversial involvement in World War I. On Stuart's watch as Montana's fifth governor, major changes in state government occurred: women received the vote; the highway commission was created; lawmakers passed the eight-hour work day; the state tax commission was born.

Sam Stuart returned to private law practice in Helena following his gubernatorial terms and served a five-year stint as Helena City Attorney. He was elected to the 1931 legislature and contributed to a number of influential committees.

In 1932 Sam Stuart was elected an associate justice of the Montana Supreme Court and, in 1938, he was reelected to a second six-year term. He remained on the bench until his death in 1939. The career of Samuel Vernon Stuart proved remarkable for his versatility and his ability to serve Montana in a variety of roles. On this day in Montana legislative history—February 12, 1931—Sam Stuart was acting as a legislator. But his contributions to the state of Montana were much, much more.

Legislative Minute: February 13
The Death of Oscar Sedman

This day in Montana legislative history—February 13, 1881—marks the first death of a legislator in session. The honorable Oscar A. Sedman, from Junction City in Madison County, died on this date of "malignant black measles" (Rocky Mountain spotted fever) at the Cosmopolitan Hotel in Helena.

Born in Sweden in 1838, Representative Sedman had arrived in Virginia City in 1863 to engage in the placer-mining boom. In the late 1860s, he developed a revolutionary system to work consolidated claims with bedrock flumes. This highly successful venture allowed him, in the 1870s, to become one of the largest stockman in Madison County. In 1878 he was elected to the Territorial Council and, in 1880, voters returned him to the House.

Leaders of the Twelfth Territorial Legislature were informed of the death by Sedman's close friend, legislator Henry N. Blake. The Helena Daily Herald reported:

"The first notice that most legislators received of the death was upon seeing crape affixed to the door knob of the House. The vacant seat was appropriately draped, and the vacant chair turned backward to his desk. The members took their seats in silence and with sorrowful faces."

In joint session the houses appointed a legislative committee to accompany Oscar Sedman's body to Virginia City. In a series of eulogies, colleagues attested:

"Despite his birth, Oscar Sedman achieved enviable success in acquiring the English language. He was endowed with that kind of genius generally known as 'common sense'."

Members then adjourned for the remainder of the day, in honor of their departed colleague. As more than one legislator remarked at the time: "We believe that, as elected representatives, we are involved here in matters of the utmost import. The death of Representative Sedman reminds us that the uncertainties of human life constitute an even greater issue."

Thus, on this day in Montana legislative history—February 13, 1881—the Assembly, for the first time, dealt with the death of a member in session. And it handled the crisis with dignity, reverence, and poise.

Legislative Minute: February 14
Montana Council of Defense Legitimized

On this day in Montana legislative history—February 14, 1918—the Fifteenth Assembly sat in extraordinary session. Governor Sam V. Stuart had called the "emergency session" to deal with pressing World War I issues on the home-front.

Perhaps the most important of these matters was the creation of the Montana Council of Defense. On February 14 House Bill 3 was introduced to legitimize the Council, which Governor Stuart already had created by executive proclamation ten months earlier. However, without legislative approval and appropriation, the Council had held neither legitimate power nor operating expenses.

The Council had been charged by the Governor, in April, 1917, with: (1) improving agricultural production in Montana; (2) encouraging the number of war recruits; (3) raising money for war drives; and (4) promoting public support for the war. However, during this 10-month interim, the Council had fallen deeply into the anti-German war hysteria that swept the state.

Now, with the passage of House Bill 3 on February 20, 1918, the Montana Council of Defense became an official state agency—and a most frightening foe of the Constitutionally-guaranteed civil liberties of all Montanans. For the next nine months, the Council would serve as a parallel state government—one that answered to no higher authority.

The newly-legitimate Council immediately granted itself the powers of subpoena and investigation. It could hold hearings, convict non-cooperative citizens, fine them, and sentence them to prison terms—and it did! To pursue its aims, the Council wrote seventeen "rules" that carried the power of law. These "orders" ran from restricting parades and dances to preventing the publishing of newspapers to banning the German language in schools and churches.

The Council fed off the wartime anti-German hysteria sweeping Montana; it organized that hysteria; and it contributed to that hysteria. Montanans quickly learned how to use the state Council to satisfy vendettas against their neighbors. Friend turned on friend, family turned on family, and entire communities were fragmented—all in the name of protecting liberty and democracy, and all at the expense of Montanans' Constitutionally-guaranteed civil liberties.

On this day in Montana legislative history—February 14, 1918—the bill to legitimize the Montana Council of Defense was introduced. What followed was one of the darkest chapters in Montana history.

Legislative Minute: February 15
Plenty Coups Biography (1848-1932)

We pause on this day in Montana legislative history to commemorate one of Montana's truly outstanding statesmen, the Absarokee tribesman Plenty Coups. This political realist exhibited remarkable vision. He lived through the eradication of the buffalo in the 1880s and then led his people to adjust to changing conditions on the Crow Reservation.

Born near the current site of Billings in 1848, Plenty Coups was raised as a Great Plains warrior and groomed for tribal leadership. From an early age, he counseled peace and cooperation—rather than warfare—with white immigrants and their government representatives.

In conflict, the Absarokee became allies of the whites against other Indian tribes. As a result, the Mountain Crow have enjoyed a fair and lasting peace, as well as the retention of a portion of their homeland in perpetuity.

In the 1880s, after the demise of the buffalo, Plenty Coups set a Crow precedent by abandoning his tepee, building a log house, cultivating the land, and embracing a form of Christianity. His message to the tribe was clear: to survive and prosper, the Indian must adapt to white ways. With repeated, personal trips to Washington, D.C., the leader obtained much-needed supplies, education, expertise, and funding for his people from the federal government.

Recognized as a national native leader, Plenty Coups placed the Indian wreath at the dedication of the Tomb of the Unknown Soldier in Arlington Cemetery in 1921. Throughout his life, he endorsed education as the salvation of the reservation Indian. He said to his young people:

"Education is your most powerful weapon. With education you are the white man's equal; without education

you are his victim. Study, learn, help one another always."

The wisdom, dedication, and compassion of Plenty Coups served his people well. Likewise he built bridges to the white community that remain intact. The unique role of this Absarokee leader was attested upon his death in 1932: the Crow people refused to name another "tribal chief," as "no living man can fill Plenty Coups' place."

In 1928 Plenty Coups willed his home near Pryor to the American people—as a monument to the cooperation of all races. Today Plenty Coups State Park is visited by thousands of people who honor the life, the vision, and the leadership of this remarkable Montana leader.

Plenty Coups' Home, Pryor, Montana

Legislative Minute: February 16
The 1895 Montana State Census

On this day in Montana legislative history—February 16, 1893—Governor John E. Rickards signed into law House Bill 45: An Act to Establish a Bureau of Agriculture, Labor and Industry.

The primary duty of this new state office was to compile Montana statistics on agriculture, commerce, mining, manufacturing, education, and "the social interests and sanitary conditions of the laboring classes." The bureau also would function as a public-relations office—disseminating information worldwide on the advantages of settling in Montana or siting a business here.

Much of the text of House Bill 45, however, was devoted to establishing a "state census"—to be taken in 1895 and each succeeding tenth year. The "state census" requirement had been written into the new 1889 Montana constitution. This "state enumeration" would complement the federal census done in years ending in "0," and the two would provide a solid base for state-government planning.

As prescribed, the "state census" would begin on May 1, would include all urban and rural areas in the state, and would produce raw data by September 1. The information sought included each Montana resident's name, age, sex, race, place of birth, marital state, occupation, personal disabilities, and voting status.

Abstracts based on the compiled information would be delivered to the legislature, to the office of the Secretary of State, and to county commissioners. The legislation contained no personal-privacy restrictions on the information collected.

What a boon to state government and to the people of Montana such a "state census" would have been! However, economic conditions in Montana killed the concept. The national "Panic of 1893" hit Montana very hard. Particularly the federal government's demonetization of silver devastated the state's booming silver-mining industry. More than two dozen banks failed in the state, thousands of laborers were thrown out of work, and economic expansion ceased abruptly.

Given Montana's dire financial condition, the 1895 legislature refused to appropriate the funds necessary to take Montana's first "state census." No subsequent legislature picked up the idea and supported it with an appropriation. As a result, Montana still lacks this useful planning tool.

Although, on this day in Montana legislative history—February 16, 1893—the creation of a "state census" seemed assured, the concept never was realized.

Legislative Minute: February 17
Montana's Old-Age Pension Act

On this day in Montana legislative history—February 17, 1923—the House of Representatives passed House Bill 119 and sent it to the Senate for consideration. Within weeks, Montana Governor Joseph M. Dixon signed it—the Old-Age Pension Act.

As a result of this bill, Montana set a national precedent for the care of its elderly. The legislature's action preceded the federal government's creation of the Social Security system by 12 years. Montana legislators particularly were prompted by the devastating, early-1920s, high-plains drought cycle and the homesteader "bust."

The Old-Age Pension Act of 1923 was guided through the legislature by young Representative Lester H. Loble of Helena—later a distinguished Montana jurist. The bill created an "Old-Age Pension Commission" in each Montana county.

Upon approval of a petition, the Commission could award a monthly stipend to any established resident (man or woman, married or single) over the age of 70—to a maximum of $25 per month. The applicant could have neither an annual income in excess of $300, nor a living child who could provide support for his parent.

The Commissioners drew monies for these old-age pensions from each county's poor fund, and no state funds were involved in the process. Upon the death of the recipient, the county could petition to recover the total pension payments from the estate of the deceased.

In the case of the Old-Age Pension Act—approved by the House on February 17, 1923—Montana legislators set national precedent with their visionary commitment to the state's elderly.

Legislative Minute: February 19
The Montana State Flag

On this day in Montana legislative history—February 19, 1905—the Senate passed and sent to Governor Joseph K. Toole House Bill 157: An Act to Establish a State Flag of Montana.

The bill had been introduced on February 7 by Jacob M. Kennedy, a Democrat from Butte.

The flag prescribed by House Bill 157 was the same as that commissioned by Colonel Harry Kessler in 1898. The First Montana Volunteers had carried that banner into combat in the Phillippines during the Spanish-American War. The only difference was that the embroidered label "First Montana Infantry—U.S. Volunteers" was removed from the dark-blue field, above the state seal. Both flags included three inches of gold fringe along the upper and lower borders.

Since 1905 only two modifications have been made to the state flag. The 1981 legislature added the word "MONTANA" in Roman letters above the seal. Representative Mel Williams of Laurel introduced this change—arguing that, without the letters, the old flag could not be distinguished from many other state flags.

That same year (1981) Secretary of State Jim Waltermire dictated the first specifications for the exact colors of the flag and the state seal on the flag.

Then, in 1985, legislators required that the word "MONTANA" be rendered in "Helvetica bold letter"—thus eliminating a variety of letter styles that had been used on the flag in the intervening four years.

Both Colonel Kessler's original First Montana Volunteers flag and Mel Williams' 1981 model flag have become valued contributions to the Montana Historical Society Museum's permanent collection. Thus the flag that currently flies over the Capitol Building can trace its lineage to this day in Montana legislative history—February 19, 1905—when the Senate passed House Bill 157.

Legislative Minute: February 20
The Registration of Montana Firearms

On this day in Montana legislative history—February 20, 1918—Governor Sam V. Stuart signed the state's first gun-registration law. The measure had been approved that week by both houses of the Fifteenth Legislative Assembly in extraordinary session. The favorable vote was 72-1 in the House and 26-10 in the Senate.

World War I had produced a great patriotic frenzy in Montana. Governor Stuart called the 1918 special session to handle specific wartime emergencies: authorization of the Montana Council of Defense; creation of a state sedition law; construction of a Montana espionage law. A key piece of this package was Senate Bill 4: An Act Providing for the Registration of All Fire Arms and Weapons, and Regulating the Sale Thereof.

Montana's 1918 law required that—within 30 days of enactment—every person owning a firearm must register it with his county sheriff. "Firearm" was defined as "any revolver, pistol, shotgun, rifle, dirk, dagger, or sword." The sale of a firearm required the same local-registration process. The legislation further directed that each gun dealer keep a detailed gun-sales register.

Given Montana's wartime hysteria, little opposition appeared in Montana newspapers to the registration of weapons. However, legislators were quick to nullify the act once the wartime emergency had passed. The only lasting consequence of the act was that non-citizen aliens still were required to register their firearms—a measure of Montana's nativism into the 1920s.

So, for a brief period in Montana's past, legislators interpreted the U.S. Constitution's Second Amendment to permit a comprehensive gun-registration program for the state. And that program was instigated by Governor Stuart on this day in Montana legislative history—February 20, 1918.

Legislative Minute: February 21
Charlie Russell Art in the Capitol

On this day in Montana legislative history, Charlie Russell got his due. For, on February 21, 1913, Senate Joint Resolution #3 was introduced into the Thirteenth Legislative Assembly. This measure thanked Montana's "cowboy artist"—as well as E. S. Paxson and Ralph De Camp—for their artistic contributions to the two new wings on the Capitol Building.

In 1911 a legislative fight had developed over what type of artwork should adorn the new wings and whether the state should employ out-of-state or Montana artists. These questions were settled by Senate Joint Resolution #4:

> "...The decorations in the new Capitol Wings [should] be taken chiefly from such early Montana scenes and figures as are of value from a historical standpoint, and that such decorations [should] be executed by Montana artists of recognized ability and standing."

Thus E. S. Paxson produced the six murals that adorn the House lobby, Ralph De Camp executed six large landscape paintings for the State Law Library (he would add four more paintings 15 years later), and Charlie Russell created a massive mural for the House chamber, "Lewis and Clark Meeting the Indians at Ross' Hole."

Russell's monumental effort—the painting is 12 feet high by 25 feet long—dominates the House space and creates a visual statement of enormous drama and emotional impact. The artist's approach to this meeting is highly original and really quite extraordinary. He relegates the actual negotiations to the upper-right section of the painting and features, instead, a splendidly arrayed group of Indian horsemen who gallop right toward the legislators, threatening to enter their space.

By privileging the Indians so dramatically, Russell offers the viewer an unusual history lesson and an ideological statement, as well as an invigorating scene. The painting approaches the mythic in its epic sweep. And it was on this day in Montana legislative history—February 21, 1913—that Montana legislators formally thanked Charlie and his two colleagues for their contributions to the beauty of the Montana Capitol.

Legislative Minute: February 22
Montana's Sedition Law

"Sedition" is generally described as "the stirring up of discontent, resistance, or rebellion against the government in power." On this day in Montana legislative history—February 22, 1918—Governor Sam V. Stuart signed House Bill 1: An Act Defining the Crime of Sedition and Prescribing the Punishment Thereof.

The bill had passed the House by a vote of 76-0 and the Senate by 37-0. Thus, out of the super-patriotic wartime hysteria that gripped Montana during 1917 and 1918, came the toughest sedition law in the nation.

The Montana sedition measure was so stringent that one could be prosecuted if he were thought to "utter, print, write, or publish any disloyal, profane, violent, scurrilous, contemptuous, slurring or abusive language" about the federal government.

The prohibition extended further to the U.S. Constitution, to the armed forces and their uniforms, to the national flag, to the Selective Service system, to any entity involved in the production of wartime commodities, and even to the government of the State of Montana! Violators convicted of sedition could be fined $20,000, or sentenced to the state prison for 20 years, or both—for each offense.

The Montana sedition law received widespread use by aggressive county attorneys during 1918. In some instances, sedition trials became effective weapons to curb any possible dissent in a community. When the act clashed head-on with the Constitutionally-guaranteed right to free speech, district judges routinely enforced the sedition law. Under terms of the act, 47 people—a surprising number of them women—were remanded to the state prison.

Then, with the efforts of Montana U.S. Senators Thomas J. Walsh and Henry Myers, the Montana sedition law became the model for the federal Sedition Law of May, 1918. This measure was used widely to stifle any criticism of the U.S. war effort. Many Constitutional authorities still consider it the most sweeping violation of civil liberties in twentieth-century America.

On this day in Montana legislative history—February 22, 1918—the Montana sedition act became law. As a result of its rabid wartime hysteria, Montana once again became a national leader.

Legislative Minute: February 23
Joseph M. Dixon Biography (1867-1934)

We pause on this day in Montana legislative history to honor one of Montana's remarkable political leaders: Governor Joseph Moore Dixon. Although "Fighting' Joe" dropped into obscurity after the 1930s, Montanans resurrected his reputation in the 1970s. That was when they found that many of the governmental and legislative reforms they were instituting had been advocated by Dixon in the 1920s—fifty years earlier.

Born to a North Carolina Quaker family, Joe Dixon arrived in Missoula in 1891 and passed the Montana bar the next year. His political rise as a Progressive Republican was absolutely meteoric! In 1900 Missoula citizens elected him to the Montana House; in 1902 Montanans sent him to the U.S. House of Representatives, and returned him to that seat in 1904; in 1907 Dixon succeeded William A. Clark in the U.S. Senate.

During his single Senate term, Dixon (1) helped to author the 320-acre homestead act, (2) assisted the creation of the National Bison Range at Moiese, (3) sponsored bills to open both the Flathead and the Crow Indian Reservations to white settlement, (4) managed the Glacier National Park bill in the Senate, and (5) led the fight for woman suffrage in that chamber.

After his Senate term, Dixon returned to Montana and dabbled in mining properties, a dairy farm on Flathead Lake, and the editorship of the Missoulian. In 1920 he again embraced politics and defeated Democrat Burton K. Wheeler for the Governor's chair.

Despite tough economic times, Dixon proposed sweeping reforms: the reorganization of state-government agencies; a state income tax; the reapportionment of the legislature; a license tax on public utilities; and a constitutional convention to draft a new state constitution.

Following his defeat for reelection in 1924, Dixon dropped into obscurity. However, perhaps Montana historian K. Ross Toole best recognized the importance of this remarkable leader:

"It is true that, except for one significant tax reform,

Dixon failed. His enemies prevailed, and he was a one-term governor.

"But, as we look backward,..we begin to understand how remarkable and dedicated a man he really was. In the face of the most concerted, powerful, derisive, and relentless opposition, he remained coolly rational and steadfast in his integrity.

"He remained unwavering in his belief that, only if the burdens of government were distributed with equity and fairness, could democracy survive.

"Joseph M. Dixon should not be missed from the list of the finest politicians of his age. In fact, he should probably top that list."

In 1978 a bust of Governor Joseph Moore Dixon was dedicated in the Capitol rotunda—a fitting memorial to a remarkable Montana leader.

Legislative Minute: February 28
The Montana State Flower

On this day in Montana legislative history—February 28, 1895—Governor John E. Rickards had just signed into law House Bill 131: An Act to Provide a Floral Emblem for the State of Montana. The act designated the perennial Lewisia Rediviva, or the Bitterroot, as the Montana state flower. The measure had been introduced in the House by Representatives Walter Cooper and W. W. Alderson of Gallatin County.

The Governor's signing culminated a statewide campaign organized by Ms. Mary Long Alderson of Bozeman, the chairman of the Montana chapter of the National Floral Emblem Society. The idea of establishing a state flower can be traced back to discussions held at the World's Columbian Exposition (the Chicago World's Fair) in 1893. Ms. Alderson and her fifteen county managers had spent much of 1894 conducting a statewide educational poll to discover the public preference for a Montana state flower.

The final tally included nearly 6,000 votes—almost two-thirds of which were cast for the Bitterroot. Runners-up included the Evening Primrose and the Wild Rose, although 32 separate flowers received votes. Support for the Bitterroot was particularly strong in Missoula, Madison, and Ravalli Counties. In lobbying for the Bitterroot, Ms. Alderson explained its importance to Montanans:

"Points urging the adoption of the Bitterroot include: the limitation of its relative range to Montana; its abundance and prominence in the state; the extensive use of its root as food by Indians and early white settlers; the delicate beauty of its blossoms; its profuse blooming; and its hardiness, brightness, and usefulness as a garden component."

Although Montana had sported a state seal since its inception in 1889, the Bitterroot became Montana's first real state symbol. That designation is due primarily to the diligent work of Ms. Mary Long Alderson. And it had just become law on this day in Montana legislative history—February 28, 1895.

The Bitterroot, Montana's State Flower

Legislative Minute: March 1
Placing the Meagher Statue

On this day in Montana legislative history—March 1, 1905—Senate Joint Resolution #1 had just passed the House by a 50-5 vote. The measure authorized a statue of Civil War hero Thomas Francis Meagher on the Capitol grounds.

This equestrian statue was the project of the Thomas Francis Meagher Memorial Association, formed in Butte in March, 1898. The Association had elected "Copper King" Marcus Daly its president and Congressman Martin Maginnis its vice-president. With the assistance of Irish contingents from around the state, the group raised more than enough money to commission a renown artist to render the fiery Irish nationalist mounted on horseback, his sword raised in action.

Charles J. Mulligan, the Chicago sculptor, was selected to create the statue. A cornerstone ceremony occurred on October 4, 1904, with Martin Maginnis delivering a rousing oration about Meagher.

On July 4, 1905, a military parade preceded the ceremonial unveiling of the statue. Army and veteran contingents marched from downtown Helena to the Capitol between rows of cheering celebrants. By mid-afternoon on this sunny, breezy holiday, almost 3,000 people had assembled on the Capitol grounds.

As the shroud dropped from the statue, buglers blew a resounding call, and four companies of riflemen each fired three salutes. Although Colonel John F. Finerty delivered an hour-long oration addressing the remarkable career of Acting Governor Meagher, the day's most memorable words were spoken by Lieutenant Governor Edwin L. Norris:

"This monument will serve as an inspiration to all those who come after the General. Standing here at the entrance of our State House, it will be a beacon light for those who serve the State, whether in the judicial, legislative, or executive departments."

Fitting words. And the Meagher statue—now a talisman to every Montana school child—had just begun its trail to creation on this day in Montana legislative history—March 1, 1905.

Legislative Minute: March 2
A. J. Davidson's Vote for Senate

On March 2, 1893—the final day of the Third Montana Assembly—legislators failed to select a U.S. senator to represent Montana in Washington, D.C. Since 1889, it had been the responsibility of legislators to elect Montana's senators; only in 1912 did this responsibility shift to the voters.

In 1893 it was necessary for the legislature to fill the "short term" slot in the Senate initially held by Republican Wilbur Fisk Sanders. The contest became a vicious fight between "Copper Kings" William A. Clark and Marcus Daly. Democrat Clark ran himself for the position; Daly supported William Wirt Dixon, a Butte Democrat.

Beginning on January 10—the ninth day of the session—legislators met each day at noon to decide the issue. But day after day no candidate could muster the necessary majority. Because of the deadlock, every vote was crucial. Lewis and Clark County Democrat Anselem J. Davidson is a case in point.

Davidson was a staunch advocate of William Clark. As the session progressed, however, he became increasingly crippled by severe rheumatism. Despite the pain, he appeared in the chamber for the noontime joint session sometimes supported by a cane; other times he was on crutches. But he always was present to vote for Clark—because each vote was critical. For the last 19 days of the 60-day session, Davidson insisted on being carried on a stretcher to the chamber to cast his vote.

Did Davidson's loyalty triumph in the end? Not a bit! The Third Assembly adjourned in deadlock—without selecting a U.S. senator—and William Clark fell to defeat.

Governor John Rickards subsequently appointed fellow Republican Lee Mantle, a Butte publisher, to the Senate seat. But little matter: the U.S. Senate, controlled by the Democrats, would not seat Mantle. And Montanans went without this Senate representation until 1895.

On this day in Montana legislative history—March 2, 1893—the adjournment of the Third Legislative Assembly forced defeat on William Clark's supporters. Particularly Representative A. J. Davidson—voting for the last time from his stretcher on the chamber floor—felt the additional pain of this failure.

Legislative Minute: March 3
Montana's State Seal

On this day in Montana legislative history—March 3, 1893—Governor John E. Rickards had just signed House Bill 161: An Act Providing for the Great Seal of the State of Montana. The measure specified a grouping of a miner's pick, a shovel, and a plow in the foreground—as well as the Great Falls of the Missouri on the right and "mountain scenery" on the left. The bill also required the inclusion of the motto "Oro y Plata" ("Gold and Silver") at the base of the image.

This official state seal had evolved from Montana's territorial period (1864-1889). Early variations included such additional elements as a rising or a setting sun, buffalo and other wild animals, clouds, trees, Indians, a mule train, a stagecoach, a railroad train, an irrigation reservoir, a schoolhouse, and cattle, horses, and sheep.

Once the 1893 bill had been approved by Governor Rickards, the engraving contract was granted to George R. Metten, manager of the J. Steinmetz Jewelry Company of Helena. Metten agreed to do the work for twenty dollars ($20).

In producing the seal, however, Metten exercised some design liberties. First he centered the Missouri River and reversed its flow. Next he added a rising sun, created an additional mountain range, and transplanted some trees to the riverbank. Metten's finished product closely resembles the state seal used by Montana government today.

Early in the twentieth century, a mild movement arose in the legislature to change the state motto from "Gold and Silver" to something less crassly commercial. However, the mining community defeated the move, and it received no serious consideration in subsequent legislative assemblies.

On this day in legislative history—March 3, 1893—the Seal of the Great State of Montana had just been approved. Today's version of this symbol can trace its lineage to territorial days—and can do it with pride.

Legislative Minute: March 5
The Original Governor's Mansion

On this day in Montana legislative history—March 5, 1913—Governor Sam V. Stuart had just signed House Bill 84: An Act to Provide an Executive Residence for the Governor of Montana.

The measure appropriated $30,000 for the purchase of this important state property and allocated $8,000 to cover furnishing and maintenance for the next two years.

Prior to this 1913 act, the official "governor's mansion" was whatever building the governor lived in—everything from a Virginia City log cabin to a Helena duplex. House Bill 84 established a permanent residence of which the governor, his family, and the people of Montana could be proud.

Within months, the state had purchased the Chessman residence on the corner of Ewing and Sixth Avenue—now known as "the Original Governor's Mansion"—for the authorized sum of $30,000. Helena entrepreneur William A. Chessman had built this magnificent structure in 1888, and it subsequently was owned and occupied by railroad contractor/lumberman Peter Larson and banker Harfield Conrad. Governor Stuart and his family moved into the mansion during the spring of 1913. Eight successive chief executives and their families—through J. Hugo Aronson—resided in this official residence.

With the construction of a new Governor's Mansion at 2 Carson Street in 1959, the Chessman home stood unoccupied. Restoration of the building began in 1969 with the support of the City of Helena. The structure was listed on the National Register of Historic Places in 1972. Since 1981 the Montana Historical Society has administered the Original Governor's Mansion as an historic-house museum.

Restoration projects have continued with the assistance of the Original Governor's Mansion Restoration Board, a dedicated group of local citizen-advocates. Guided tours of the Original Governor's Mansion offer the opportunity to explore a part of Montana's Victorian past. And the legislation that created that opportunity had just been signed on this day in Montana legislative history—March 5, 1913.

Legislative Minute: March 6
The Direct Primary and the Secret Ballot

On this day in Montana legislative history—March 6, 1905—Governor Joseph K. Toole signed into law Senate Bill 79: An Act to Provide for the Nomination of Candidates by Direct Vote at a Primary Election. This piece of classic Progressive legislation enforced the Australian (or "secret") ballot as the required form of election in Montana.

The 1889 Montana Constitution had mandated the Australian ballot, but Montana elections during the 1890s were rife with corruption. Agents for "Copper Kings" Marcus Daly and William Clark regularly swept the state, buying votes and manipulating precinct counts.

The old "nominating" system—under which party bosses decided candidates for the general election—frustrated the will of the people. The frequently-used "straight-party ballot" contributed to election corruption because it allowed any observer to check a voter's preference.

Montana's Progressive Party reformers reached the peak of their power in the 1905 legislature. They passed measures promoting the initiative, the referendum, and a method of recall. By means of Senate Bill 79, they gave the Montana voter a way to select candidates in a primary election, and they secured the secrecy of that election with the Australian ballot.

Were Montana voters eager for these forms of direct democracy? You bet they were! For they had become convinced that the Anaconda Copper Company controlled the legislature and that this domination rendered the people of Montana powerless.

With gusto they first embraced the direct primary and the Australian ballot. Then they approved the initiative and the referendum as a constitutional amendment—by an unprecedented 85% margin—on the 1906 ballot! The direct election of U.S. senators would be their next campaign.

On this day in Montana legislative history—March 6, 1905—the people of Montana gained two of their most precious political tools. The direct primary election and the Australian ballot would become cornerstones of Montana participatory democracy for the next century.

Legislative Minute: March 7
Meagher's 1866 Address to the Legislature

On March 7, 1866, Acting Governor Thomas Francis Meagher had just completed his "Message to the Montana Territorial Legislature." The address was delivered at the opening of the Second Assembly, which Meagher had called in Virginia City. In 1866 the fledgling Territory of Montana was in upheaval and confusion, since Meagher—originally appointed the Territorial Secretary—was only the Acting Governor. Even his power to call a legislative session was in serious question.

Meagher's address to the legislators requested their help in obtaining military troops to be stationed permanently in the territory. The Civil War hero envisioned quick-response cavalry units to protect white miners and settlers. He also asked the legislators to support his claims against the federal government for damages caused by Indian attacks.

Perhaps most important was Meagher's emphasis on the improvement of transportation and communication links to the outside world. He observed:

"Montana should make the most of her geographical position. Puget Sound and the Great Lakes offer her equal facilities for commercial intercourse with Europe on the one hand and Asia on the other. Standing mid-way between the headwaters of the two noblest rivers of the nation, she ought heartily to encourage every enterprise that gives her safe, speedy, and permanent access to the West, as well as to the East—thus making her the mistress of an unrivaled situation."

For all of his political short-comings, Acting Governor Thomas Francis Meagher repeatedly attempted to energize the territorial government. Only his mysterious death at the Fort Benton levee in July, 1867, ended his whirlwind career in Montana. A key part of that career occurred on this day in Montana legislative history—March 7, 1866—for Acting Governor Meagher had just outlined his vision for Montana's future.

Legislative Minute: March 8
The 1884 Constitutional Convention

On this day in Montana legislative history—March 8, 1883—the Thirteenth Territorial Assembly had just passed a joint resolution calling for a constitutional convention. This gathering of delegates would craft a state constitution for presentation to the U.S. Congress, as Montana sought full membership in the Union.

The House resolution revealed some of the consternation felt by Montanans under the territorial system. Pointedly, it compared their status to that of British colonists on the East Coast prior to the Revolutionary War. With the completion of the Northern Pacific Railroad through Montana in 1883, most Montanans thought that they were more than ready for statehood.

Forty-five delegates to the convention were elected in November, 1883. The assembly convened in Helena on January 14, 1884. The constitution hammered out at the convention drew heavily on the charters of existing states and reflected strong stock-raising and mining interests. Montana voters ratified it by an overwhelming margin in November, 1884.

However, Congressional politics prevented Montana's bid for statehood until 1889. For five more frustrating years, Montana remained a territory, subjected to the whims of Congress.

Then, when President Grover Cleveland signed the 1889 "Omnibus Bill," Montana moved quickly through the constitution-writing process again. The new constitution—produced in Helena in July of 1889—proved little more than a modification of the 1884 charter. This time, however, it was accepted by Congress, and Montana joined the Union as the forty-first state.

It had been a long and a painful process. But a major step toward the goal of Montana statehood was taken on this day in Montana legislative history—March 8, 1883—when the legislature called for a constitutional convention.

Legislative Minute: March 9
Thomas J. Walsh Biography (1859-1933)

We pause on this day in Montana legislative history to honor one of Montana's outstanding politicians: U.S. Senator Thomas J. Walsh. Known best for his role in exposing the Teapot Dome scandal in 1924, Walsh's colleagues considered him "a man of splendid earnestness and incorruptible integrity."

Born in Wisconsin in 1859, young Tom Walsh arrived in Helena in 1890. Here he built a successful law practice, specializing in mining and Constitutional law. Following two early defeats at the polls, he was elected to the U.S. Senate in 1912. Walsh would serve there until his death in 1933.

A political Democrat, Walsh championed such progressive issues as woman's suffrage, child-labor protection, workmen's compensation, and civil rights. A constant in his life was his fear of the growing power of private corporations in public affairs. Most important to Montanans, Senator Walsh never forgot his roots. He pioneered the use of regional offices in the state to serve his constituents more directly.

In 1924 the Senator broke the Teapot Dome/Elk Hills petroleum-reserve scandal, and that exposure catapulted him into the national spotlight. He appeared on the cover of Time Magazine in 1925, and he entertained Presidential aspirations in 1928.

T. J. Walsh served as a delegate to every Democratic National Convention from 1908 to 1932, and he was chosen permanent chairman of the Convention in 1924 and again in 1932. President Franklin D. Roosevelt selected Walsh as his Attorney General in 1933, but unfortunately the Montanan died before he could fill the position.

Despite an inherent lack of individual warmth, Walsh's personal integrity was unimpeachable. One reporter commented that to ask Walsh for a political favor "would be like asking the statue of Civic Virtue for a chew of tobacco."

Upon his unexpected death in 1933, Senator Walsh's body lay in state in the Montana Capitol rotunda, where more than 10,000 people passed in honor. On that occasion, Senator Burton K. Wheeler eulogized Walsh as "the most distinguished citizen Montana has ever developed." A bust of the Senator currently reside in the rotunda—a fitting salute to this remarkable Montana politician.

Legislative Minute: March 10
Montana's Driver's Exam Bureau

On this day in Montana legislative history—March 10, 1947—Governor Sam C. Ford signed House Bill 207: An Act Creating a Drivers' Examination Section of the Montana Highway Patrol. The primary duties of this new bureau were to administer driver's tests and to issue appropriate operator's licenses.

Montana had been licensing its motor vehicles since 1914 and its drivers since 1935, but House Bill 207 standardized the driver's examination process and brought some continuity to the issuance of driver's licenses. Those duties formerly had been performed either by the Registrar of Motor Vehicles or by the County Treasurer in the operator's home county.

As established in 1947, driver's licenses could be granted to anyone 15 years of age, "learner's permits" could be issued to 14-year-olds, and a 13-year-old could obtain a certificate to drive family farm machinery. The cost of a basic driver's license was set at $1.50, renewed annually. Driver's examinations would be administered in Montana's county seats or "in a reasonably convenient adjacent place."

House Bill 207 pointedly emphasized that the creation of an office to administer driver's tests and to issue driver's licenses was not a revenue-making proposition for the state, but a public-safety measure, designed to protect the citizenry. Through the combination of an eyesight check, a highway-sign quiz, a written exam of highway laws, and an in-vehicle driver's test, the process placed a premium on operator safety.

In 1947 critics of the driver's exam section complained that it represented unnecessary governmental interference in the citizen's life, but they were overwhelmed by proponents of the measure. The driver's exam system which each Montanan encounters today can trace its roots to this seminal piece of legislation—approved by Governor Ford on this day in Montana legislative history: March 10, 1947.

Legislative Minute: March 12
Chairman Earl Old Person's Address

On this day in Montana legislative history—March 12, 1993—the House and the Senate had just met to set a Montana precedent. They had convened in joint session to hear Mr. Earl Old Person, the Chairman of the Blackfeet Tribal Business Council, deliver Montana's first "State of Indian Nations" address.

Chairman Old Person was escorted to the podium by Senators Delwyn Gage and Bill Yellowtail and by Representatives Bob Gervais and Jay Stovall. Madame Chair Clara Nomee of the Crow Tribe delivered both the Invocation and the Benediction.

In his remarks, Chairman Old Person focused on education. He said:

"Education is very important for our children and young people. We are encouraging our young people to get the kind of education that they can use. This is their future. We cannot accommodate our young people and the upcoming generation with the reservations that we live on now because of the predicted increase in population and the limit on our lands. Therefore, the only future we see for our children is a higher education and a profession of some kind. Whatever they gain through education, no one can take from them."

Further, in his closing remarks, Chairman Old Person made a request of the legislators:

"Let us begin to show respect for and trust in one another. Communication is the most important part of our lives. Being true to one another gives us a better understanding of what we stand for and the goals we want to reach."

The first-ever "State of Indian Nations" address completed, the Chairman received a standing ovation from the legislators. A tradition had just begun—on this day in Montana legislative history, 1993.

Legislative Minute: March 13
The Election of U.S. Senators

On this day in Montana legislative history—March 13, 1911—Democrat Governor Edwin L. Norris recently had signed House Bill 427, an act providing for the popular election of U.S. senators. The signing ended a long campaign by Montana's Progressives to place this power in the hands of the people.

Since 1889 Montana had followed the Constitutionally-mandated process of having its legislature select the state's two U.S. senators. However this procedure had hit repeated snags here. The paralyzed First Assembly sent four senators to Washington; the deadlocked 1893 legislature could elect no senator; in 1899, William A. Clark's high-handed attempt to buy a Senate seat by bribing state legislators ended in national ridicule. Each of these fiascos had enraged Montana voters.

The state's Progressive Party meanwhile had advocated more direct political participation for Montana citizens. It successfully championed the Australian (secret) ballot, the initiative, the referendum, and the direct-primary election. Given Montana's history of legislative corruption, the Progressives pushed relentlessly for the direct election of senators.

Because the U.S. Constitution mandated that the state legislature must select its U.S. senators, House Bill 427 created a "preference system." First, all candidates for state legislative seats were asked to sign a pledge to abide by the popular vote in the U.S. senate election. Voters then would express their "preference" on the November ballot. Finally, the bound legislators would honor the voters' selection by naming the election winner as Montana's senator.

The convoluted nature of this procedure is a fair indication of voter disgust with Montana legislative corruption and with the endemic influence of the Anaconda Company in the state's politics.

The new system worked well in the 1912 general election. Democrat Thomas J. Walsh defeated Republican Henry C. Smith and Progressive Joseph M. Dixon in the popular vote for Montana's Senate seat. The 1913 legislature then ratified the voters' preference and sent Walsh to Washington.

The validity of the Montana solution was recognized almost immediately with the national ratification of the 17th Amendment to the U.S. Constitution, providing for the truly direct election of senators. And it all started in Montana on this date in legislative history—March 13, 1911.

Support Personnel for the Senate and House, 1911, on the Capitol Steps

Legislative Minute: March 14
Montana State University-Northern Created

On this day in Montana legislative history—March 14, 1913—the Thirteenth Legislative Assembly had just passed and sent to Governor Sam V. Stewart House Bill 397: An Act to Establish and Locate the Northern Montana Agricultural and Manual Training School. This newest unit of the state's university system would be located on a portion of the Fort Assinniboine Military Reservation, several miles to the southwest of the community of Havre.

House Bill 397 also created on the reservation an agricultural experiment station, which would operate in conjunction with the new college. The combination was important, for the real impetus for founding this college was the homestead boom. That boom was flooding the Hi-Line and the Golden Triangle with immigrants—many of whom were strong advocates of education.

Unfortunately the Thirteenth Assembly appropriated no direct funds for House Bill 397. Thus Northern Montana College had to wait until 1929 to hire its first faculty and to begin classes. Legislators then also relocated the college from the Fort Assinniboine complex to land immediately adjacent to town, donated by the city.

This move prompted a bill in the 1933 legislature to abolish the college altogether, but hundreds of citizens in northern and eastern Montana lobbied successfully for its continuation. Locals proved their commitment to the school in 1934 by donating time, skills, and materials to build the legendary Pershing Hall.

Through the years, Northern Montana College has specialized in teacher preparation and vocational-technical programs. From a beginning with 80 students and seven instructors in 1929, the institution has grown to more than 2,000 students and a faculty of over 100. Northern's summer-school programs are among the strongest in the state.

With its title changed to "Montana State University-Northern" in 1994, the school remains the pride of the Hi-Line and a key element in the state's regional system of higher education. And it all began on this day in Montana legislative history—March 14, 1913.

Legislative Minute: March 15
Dolly Akers Biography (1901-1986)

On this day in Montana legislative history—March 15—we pause to honor a remarkable woman who served in the Twenty-third Legislative Assembly. Ms. Dolly Smith Cusker Akers—a five-foot, one-inch dynamo—was known on the Fort Peck Reservation as Day Eagle Woman. She was the first Indian to serve in the Montana legislature and the only woman seated for the 1933-1934 sessions.

Dolly Smith was born in Wolf Point in 1901, of Irish and Assiniboine parents. She was a bronc rider and a welfare worker on the Fort Peck Reservation when she married Poplar-area rancher George Cusker in 1917. In the early 1920s, she began 40 years of leadership on the Fork Peck Tribal Board—including a stint as tribal chair. In 1923—the year before Indians gained full U.S. citizenship—Dolly made the first of her 57 trips to Washington, D.C., as an interpreter and a representative for the Sioux and the Assiniboine.

Solid Indian support elected Dolly to the legislature in 1932. In addition to chairing the Federal Relations Committee, she was the vice-chair of the Equal Suffrage Committee and served on the Education and on the Workman's Compensation Committees. Although she did not run for re-election in 1934, Dolly Cusker remained involved in politics and public service all her life. She served on the Federal Housing Administration Board, in the National Congress of American Indians, on advisory committees to the Farmers Home Administration, and on the Intertribal Policy Committee. She fought to ensure that Indians received Depression-era "New Deal" benefits, tracked the impact of oil development on the reservation, and lobbied Vice-President Richard Nixon for quality Indian housing.

Along the way, Dolly helped two husbands run thousand-acre ranches and raised a daughter who graduated from Washington State University. She survived waves of controversy with the Bureau of Indian Affairs and with her Tribal Board colleagues—and she also claimed to bake

the best chocolate cake on the Fort Peck Reservation. In 1983, confined to a wheelchair, Dolly made her last trip to Washington at the age of 82.

By the time Ms. Akers died in 1986, she had tackled all of the toughest issues for 20th-century Montana Indians: citizenship; housing; health; education; civil liberties; sovereignty. Dolly not only had survived this ordeal, but she also had built an admirable legacy. And a cornerstone of that legacy is her service to the people of Montana and to the Montana legislature.

Legislative Minute: March 16
License Plates and County Designations

On this day in Montana legislative history—March 16, 1933—Governor Frank H. Cooney signed House Bill 73: An Act Relating to Motor Vehicle License Plates...and Providing for the Assignment Thereon of Index Numbers to the Counties of the State. Thus began the controversy over the system—or lack of it—that legislators in the Twenty-third Assembly used to select county-prefix plate numbers.

Montana had been licensing its motor vehicles since 1914. Prior to the 1933 legislation, plate numbers represented only a sequential numbering of production, beginning with "1." As total vehicle registrations increased, the 1933 legislation created the county-prefix system to reflect in which county a driver resided and paid his taxes.

But how did individual counties get assigned specific numbers? Why was Silver Bow County #1, Treasure County #33, or Lincoln County #56? There is no easy answer to the question.

The list of assigned numbers—specified by House Bill 73—at first was thought to depend upon county population figures from the 1930 census. But a careful check reveals only a loose correlation here. A better explanation is that the numbers reflect the 1932 list of Montana vehicle registrations by county. The correlation here is closer, although certainly not perfect. What is certain is that the 56 county numbers were not drawn by lot (at one time, the "conventional wisdom").

So the best explanation is that the 1932 vehicle-registration list was the origin for the county-number selection—and then some legislators tinkered with the sequence to get higher numbers or favorite numbers for their own counties. How else explain Powder River County with the inflated #9 or Park County with the relatively low #49?

As Montana's license-plate numbering system has evolved through the years, the county-prefix format has survived. Even a vanity plate carries the county number on a small sticker. Like a stockman's brand, the county number on a plate tells you how far a vehicle has strayed from home. Or it sends you fumbling in the glove compartment for that table of county numbers printed on the back of some candidate's political card.

Not all historical phenomena require complete explanations. One of Montana's legitimate mysteries is how the county-prefix numbers on its license plates were determined. And that puzzle began on this day in Montana legislative history—March 16, 1933.

Members of Montana's 1933 Senate

Legislative Minute: March 17
Montana's State Ballad

On this day in Montana legislative history—March 17, 1983—Governor Ted Schwinden just recently had signed into law House Bill 39: An Act to Make "Montana Melody" the Official State Ballad. And herein lies a story of incredibly deft legislative footwork.

In 1981 LeGrande and Carleen Harvey of Missoula had written "Montana Melody," a song that initially received only limited response across the state. However, teachers at Jefferson Elementary School in Helena adopted the melody as the centerpiece of a school civics project for the 1983 legislature. Not only did the Jefferson students become proficient singing the song, but they also convinced Helena representative Hal Harper to carry House Bill 39.

As originally proposed, this measure would make "Montana Melody" the new state song—replacing the standard "Montana," adopted by the 1945 legislature as the state song. As House Bill 39 moved through the system, Jefferson classes made several trips to committee hearings and the legislative chambers to render "Montana Melody" in tender, poignant voices.

As the student movement gained support and publicity, older opponents of the change materialized. They argued vehemently for the retention of the standard "Montana" as substantive tradition. What matter that—when sung at halftime of the annual Grizzly-Bobcat football game—no one knows all the words?

Members of the 1983 legislature faced an emotional, potentially volatile choice. Should they adopt "Montana Melody" as the new state song, thus demonstrating to the state's students populist democracy in action? Or should they retain the traditional state song at the request of their older, voting constituents statewide and disappoint the students?

Finally a solution to the dilemma emerged in the House Committee on Education and Cultural Resources. By amendment, "Montana Melody" would become the official "state BALLAD," and "Montana" would be retained as the official "state SONG." The amended bill passed the House 88-9 and the Senate 38-9.

What an inspired, creative solution! Thus Montana gained another "state symbol," and legislators in the 1983 session survived to fight another day. And it all had just happened on this day in Montana legislative history—March 17, 1983.

"Montana Melody"
Words by LeGrande & Carleen Harvey
Music by LeGrande Harvey

I long to be in the places that I see
in the pictures of my dreams
Where there's mountains full of trees,
meadows carpeted in green
Silent, snow-fall, clear running streams.

Where the bear-grass blooms
In the spring-time of the year,
And the larch turn gold in the Fall
Where there's deer, elk and antelope
Beaver, bears and birds and the yippin'
coyotes serenade them all.

Refrain:
Yes, there's no place like Montana,
the Big Sky country, my home.
A place to set my spirit free,
a Rocky Mountain melody,
These things are a part of me,
Montana, Montana, my home.

Charlie Russell clouds paint sunsets in the West,
in colors of red, blue and gold.
Snow-capped peaks reach endless to the sky,
and the grain-fields with gentle breezes flow.

There's high mountain lakes, Misosuri river breaks
and the open plains, where the buffalo used to roam.
It's a cowboy song, it's where Indians belong
God's country, my home sweet home.

I had a dream, of how Heaven's s'posed to be,
and when I die, that's where I want to go.
Cause there's mountains full of trees, meadows
carpeted in green, silent snowfall, clear running streams.

Refrain:

Legislative Minute: March 19
The Railroad/Public Service Commission

On this day in Montana legislative history—March 19, 1913—the Thirteenth Assembly had just completed its transformation of the Montana Railroad Commission into the Montana Public Service Commission.

The three-member Montana Railroad Commission had been created by the legislature in 1907 to supervise railroad rates and service. The regulation of railroads was a key element of the reform package advocated by the Progressives.

In 1913, by Senate Bill 10, the scope of the Railroad Commission was expanded to include such public utilities as heat, light, sewerage, street-railways, power in any form, telegraph and telephone, and water. Again, the Progressives claimed credit for this legislation. It was they who tied the PSC directly to the legislature.

By definition, the state's Public Service Commission regulated one of Montana's strongest corporations, the Montana Power Company. MPC—along with the complementary Anaconda Company—then were called "the Montana Twins" or simply, "the Company."

Through the twentieth century, the Commission jousted with both corporate giants, trying to establish a middle ground between a utility's solvency and the consumer's needs. Most observers would agree that, prior to 1972, the utilities benefitted more from the arrangement.

In the meantime, the PSC's task grew to become overwhelming. By 1971 the three commissioners—with a staff of only 20 and a budget of just $238,000—faced the job of regulating over 600 transportation carriers and about 200 utilities.

Framers of the 1972 Constitution changed the PSC's role by creating an "office of consumer counsel" to represent the public in hearings before the Commission. They also tied the consumer counsel directly to the legislature.

Further revision in the regulatory system occurred in 1974, when the PSC expanded to five members, elected from specific districts. Through recent decades, the legislature has strengthened the Commission's staff and its authority to regulate. Now, power deregulation has placed the PSC in a brand-new situation.

The Public Service Commission always has played a major role in the Montana mix. Notably, the PSC's existence began on this day in Montana legislative history—March 19, 1913.

Members of Montana's 1913 Senate, on the Capitol Steps.

Legislative Minute: March 20
Initiative and Referendum

On this day in Montana legislative history—March 20, 1905—Governor Joseph K. Toole just recently had signed House Bill 286, an act to place the initiative and the referendum on the 1906 ballot. Voter approval of these measures constituted an amendment of the 1889 Montana constitution.

These two classic, Progressive, direct-democracy tools would put more political power in the hands of the voters. By the initiative, voters could generate legislation and bypass the state legislature. By the referendum, they could review standing legislation and choose to reject it.

By 1906 Montanans had become increasingly frustrated with how the "Copper Kings" and the Anaconda Company controlled state politics. In this election, voters approved the initiative and the referendum by an incredible 85 per cent!—a margin that has not been matched on a ballot issue since.

The effect of the Constitutional amendment was immediate. Between 1906 and 1926, voter petitions put 22 initiative and referendum measures on the ballot. The electorate approved 11 of the 17 initiatives, and all 5 referenda to repeal a legislative enactment were successful. Montana politicians who wished to short-circuit these methods of "direct democracy" were thwarted by subsequent legislation that clarified and strengthened the processes.

Through the century, Montanans have used the initiative and the referendum to address income, sales, and metal-mines taxes, as well as the legalization of gambling, and the prohibition of alcohol. The state's 1972 Constitution entrenched the initiative and the referendum in the Montana process, and these measures have been used increasingly during the last three decades.

An important 1976 initiative, approved by the voters, permits the recall of any elected or appointed state or local official in Montana. The referendum process also allows legislators to submit an issue to public vote. This tool—combining representative democracy with direct democracy—has been used liberally in recent years.

Montana is a state with a strong Populist/Progressive tradition. Major components of this tradition—the initiative and the referendum—had just been submitted to the voters on this day in Montana legislative history: March 20, 1905.

Legislative Minute: March 21
James Bompart and Glacier National Park Roads

On this day in Montana legislative history—March 21, 1915—the Fourteenth Montana Assembly had just passed House Joint Memorial #10: Requesting the Federal Government to Construct an East-West Road across Glacier National Park.

The memorial had been carried by several representatives—including James L. Bompart, a Democrat dairy rancher from the Helena Valley. Bompart also had sponsored bills addressing domestic relations, a juvenile court, a proposed game preserve, and the establishment of a state police force.

A serious problem faced the federal supervisors of Glacier National Park immediately upon its creation in 1910. A tremendous chain of high mountain peaks—the "crown of the continent"—separated the new park's east side from its west side.

By 1915 the situation had become critical: Park Headquarters sat on the west side and the Great Northern Railway's network of roads, trails, camps, chalets, and hotels stretched along the east side. For much of the year, Park managers had only limited access to most of the tourists visiting Glacier.

As a result, the Great Northern virtually "owned" the east side of the Park. Moreover, the only reliable route across the Continental Divide was the Great Northern's own mainline through Marias Pass.

House Joint Memorial #10 was an attempt to rectify this situation. It implored the federal government to begin construction of a trans-mountain road that linked the two sides of the park—thereby also creating a through-route for transcontinental automobile travel. Legislators were convinced that such a road would increase tourism to Glacier Park appreciably.

Nevertheless, the proponents of Memorial #10 had to wait to see the fruits of their labors. The Theodore Roosevelt Highway (U.S. #2)—which parallels the Great Northern tracks around the southern boundary of the Park—was not completed until 1930. The more spectacular Going-to-the-

Sun Road through the heart of the Park did not open to seasonal tourist traffic until 1933.

These two trans-mountain roads combined with other factors to end the dominance of the Great Northern Railway Company in Glacier Park. And that development all began on this day in Montana legislative history—March 21, 1915.

Legislative Minute: March 22
The Impeachment of Judge Charles L. Crum

On this day in Montana legislative history—March 22, 1918—the Senate sat in special session to hear six counts of "high crimes, misdemeanors, and malfeasance in office" lodged against District Judge Charles L. Crum of Forsyth.

In the white-hot fever of World War I patriotism, Crum had become an emotional target. Super-patriots called Crum's actions and statements "pro German," and they were determined to make him an object lesson. Despite the judge's resignation from the bench on March 8, the House scheduled the impeachment trial for the Senate on March 20—ostensibly "to make an object lesson of him."

At the three-day "trial," Charles Crum was not present to defend himself, he was not permitted an independent defense counsel, and no senator was allowed to question witnesses in Crum's behalf. The "trial" became a star-chamber proceeding. A litany of hearsay and circumstantial evidence was interspersed with posturing by the interrogating House managers and by some vehement senators. By overwhelming majorities, the senators found Crum guilty on all six counts.

The effect of the trial on Crum was devastating. Although he relocated his family to North Dakota and attempted to rekindle his legal career, his life was ruined. His spirit was broken, his dedication to the law languished, and he sunk deeper into alcoholism—until he died in Kansas in 1948.

However—for those of you who like such things—there is a happy ending to this story of miscarried justice. In 1991 Senator Harry Fritz of Missoula and nine cosponsors introduced Senate Resolution #2—a measure to exonerate Judge Crum from the wrongful impeachment prompted by World War I hysteria. Hearings before the Senate Judiciary Committee resulted in a "do pass" recommendation, and the resolution moved to the full Senate.

On January 26, 1991, the Senate voted 46-0 in favor of Resolution #2. After more than 70 years, the judge's unjust burden of dishonor had been lifted. Two of the judge's grandchildren, in tears, witnessed the proceedings from the gallery. And the Senate conviction—which occurred on this day in legislative history, March 22, 1918—finally was rectified.

Judge Charles L. Crum, ca. 1904

Legislative Minute: March 23
Anton M. Holter Biography (1831-1921)

On this day in Montana legislative history, we pause to honor one of the state's most successful citizens—and a member of the Montana legislature for three terms: Anton M. Holter.

Born in Norway in 1831, Holter came to America in 1854 and to Virginia City in 1863. He established the first sawmill in the territory, and he frequently is called "the father of the Montana lumber industry." Holter's sawmill concern received its charter from the First Montana Territorial Legislature in 1865, thus becoming Montana's first corporation. Ultimately his lumber interests spread through western Montana to Idaho, Oregon, and Alaska.

In 1865 Anton Holter relocated in Helena and paired his expanding lumber business with a general-merchandise store called the A.M. Holter Hardware Company. He built this enterprise into one of the largest wholesale and retail houses in the state.

Like many nineteenth-century Montana entrepreneurs, Anton Holter invested in a broad range of business enterprises. He owned the public water system in Virginia City, managed diverse mining properties, manufactured innovative equipment for underground mining, organized street-railway companies, developed the East Helena smelter, and underwrote several livestock operations.

In 1890 he began construction on Holter Dam—on the Missouri River below Helena. The Montana Power Company finished this project in 1917, supplying electrical power to the Anaconda Company complexes in Great Falls, Butte, and Anaconda.

A. M. Holter's public service commenced in 1878, when he was the first Republican elected in Helena—to a seat in the Eleventh Territorial Legislature. Voters tapped him again in 1889 and 1891 for the first two sessions of the State Legislature. In addition, Holter served for years as president of the Helena City Council, and he was primarily responsible for the construction of a new high school in the Capital City.

Anton M. Holter died in 1921 at the age of 90. Montanans celebrated widely his life, his business accomplishments, and his public service. One eulogizer noted:

"Anton M. Holter was 'a pioneer of pioneers' and 'the lumber king of Montana.' His role in translating a land of potentialities into one of realities cannot be overstated. Montana has been immeasurably improved by his life among us. We honor here one of the great Montanans."

Honest words for a Montana legislator and entrepreneur who brought honor to himself, to his family, to his community, and to his state.

Legislative Minute: March 24
Lewis and Clark Caverns State Park

On this day in Montana legislative history—March 24, 1939—Governor Roy Ayers recently had signed House Bill 80—a measure establishing the Montana Parks Commission to supervise a network of state parks. The legislation specifically designated "areas, sites, and objects of scenic, historic, archaeologic, scientific, and recreational value."

The creation of a Parks Commission in 1939 was prompted by the state's 1937 acquisition of the Morrison Caves complex in Jefferson County from the federal government. This remarkable site—its name changed in 1946 to the "Lewis and Clark Caverns State Park"—profited immensely during the 1930s by the work of Civilian Conservation Corps (CCC) crews.

Lewis and Clark Caverns proved a perfect choice for Montana's first state park. President Theodore Roosevelt had proclaimed this wonder the nation's twelfth National Monument in 1908. That designation—combined with the caves' fabulous limestone formations—gave the Caverns some real, national legitimacy.

The complex is currently recognized as the twentieth deepest cavern in the United States and includes a vertical drop of 600 feet. The extent of the underground maze has yet to be determined and fully mapped. The name change to "Lewis and Clark Caverns" is particularly interesting—as, in 1805, the Expedition passed up the Jefferson River, below the caves, without discovering the complex. The name, however, should prove a drawing card for tourists following the Lewis and Clark Trail during the Expedition's up-coming Bicentennial.

The Montana State Parks system has now grown to over 40 park sites statewide, and it attracts more than 5 million visitors each year. The system includes parks that preserve natural features, cultural parks that protect history and prehistory, and parks devoted to recreational opportunities.

Proudly, Montana's state-park system can trace its heritage directly to the Lewis and Clark Caverns and to the creation of the Parks Commission on this day in legislative history—March 24, 1939.

Legislative Minute: March 26
Firearms and the Nez Perce Retreat

On this day in Montana legislative history—March 26, 1877—the Territorial Auditor honored a Council Joint Resolution to pay the freight bill of Territorial Governor Benjamin F. Potts for $1,081.51.

In the aftermath of George Armstrong Custer's defeat at the Battle of the Little Big Horn the preceding June, Governor Potts had ordered 500 Springfield rifles and 25,000 cartridges for the territorial militia. When the shipment arrived in Helena from the federal arsenal at Rock Island, Illinois, Potts had paid the freight bill out of his own pocket. The Territorial legislature's action would reimburse Potts for his expenditure.

Interestingly, these weapons were put to almost immediate use. In July, 1877, a contingent of 800 Nez Perce men, women, and children and more than 2,000 horses trailed into Montana over Lolo Pass. The Nez Perces—literally fleeing their homeland to preserve their culture—were pursued by General Oliver O. Howard and his U.S. Army troops. Looking Glass, White Bird, and Joseph directed the daring Indian march.

The Nez Perce retreat through Montana during August and September, 1877, provided high drama. The Indian procession skirted Fort Fizzle (southwest of Missoula), moved quickly up the Bitterroot Valley, engaged Colonel John Gibbon in the Big Hole Battle near Wisdom, and escaped east into Yellowstone National Park.

Emerging on the Park's northeast side, the unlikely migrants made a run for Canada. They crossed the Missouri River at Cow Island and stopped to rest in the Bears Paw Mountains—only to be surrounded by Colonial Nelson Miles and his men from Fort Keogh. After a week-long siege, Joseph and 400 of his people surrendered. The remainder slipped away with White Bird to safety in Canada.

It seems doubtful to historians that Joseph really spoke the famous words, "From where the sun now stands, I will fight no more forever." Nevertheless, the 1877 Nez Perce retreat through Montana has become legendary. And it is connected directly to the Montana legislature through its payment of Governor Potts' freight bill—on this day in legislative history, March 26, 1877.

Chief Joseph, Nez Perce Leader

Legislative Minute: March 27
Prohibition

On this day in Montana legislative history—March 27, 1915—the Fourteenth Montana Assembly recently had approved House Bill 224 and sent it to the governor. The measure—if approved by the voters in a 1916 referendum—would prohibit the manufacture, the shipment, and the sale of alcoholic beverages in Montana.

House Bill 224 culminated a decades-long campaign by women's groups and church leaders against alcohol consumption in Montana. The Montana Anti-Saloon League and the Women's Christian Temperance Union (WCTU) argued that liquor should be classified "with explosives, poisonous drugs, and decayed foodstuffs."

And the timing in 1916 was perfect. Prohibition held particularly strong support among the tens of thousands of homestead families who were flooding the state during the teens. Further, Montana's males had granted the vote to women in 1914, and the first statewide election in which women would vote was in 1916. Many men rightfully feared that the female vote would close their saloons.

A solid 58 per cent of Montana voters approved the prohibition referendum in November, 1916 (although Silver Bow County electors opposed it three-to-two!). So, on December 31, 1918, Montana went "dry"—13 months before Congress' Volstead Act made prohibition national policy.

Just as Montana was ahead of the country in adopting prohibition, it was ahead of the nation in abolishing it. The nation's "Great Experiment" failed spectacularly in Montana. Finally an initiative on the 1926 ballot asked voters to repeal state prohibition. A former mayor of Butte headed the Anti-Prohibition Society of Montana. Church leaders, the WCTU, and former Governor Sam V. Stewart argued for the retention of prohibition.

In the 1926 election, however, voters ended Montana prohibition by a 53-47 margin. So—from November, 1926, until the 21st Amendment repealed national prohibition in December, 1933—only a small band of federal officers enforced the Volstead Act in the state. Notably—on this day in legislative history, March 27, 1915—Montana's involvement with the "Great Experiment" had just begun.

Legislative Minute: March 28
"One-percent for Art"

On this day in Montana legislative history—March 28, 1983—the Senate voted 37-10 in favor of House Bill 625: the One-Percent-for-Art Act. The measure would be signed by Governor Ted Schwinden on April 13.

House Bill 625 had been co-sponsored by Ms. Kathleen McBride (D-Silver Bow), Ms. Pat Regan (D-Yellowstone), and Mr. Jean Turnage (R-Lake). It mandated that a specific amount of the cost to construct or renovate a state building be devoted to the purchase and display of public art at that building. The specific amount could not exceed one percent of the total appropriation for the project.

This legislation adapted a federal government program used in New Deal construction during the 1930s. By Montana's 1983 variation, the Montana Arts Council would select the specific works of art—which could range from paintings to sculpture to photography to mixed-media installations.

This bill proved the darling of the Montana arts community. Arts advocates argued that the state had a duty to create—in its public buildings—a more humane environment of distinction, enjoyment, and pride for all of its citizens. They also emphasized the bill's economic benefits to the state's struggling artists. For precedent, they cited the works of Charlie Russell, Edgar Paxson, and Ralph DeCamp commissioned by the state in 1912 for the Capitol Building—as well as the popular "Shorty" Shope murals contracted for the Scott Hart Building.

Evidence of the "one percent for art" act is best illustrated by the conspicuous artwork incorporated in the new Justice Building in the Capitol Complex, in the six Fish, Wildlife and Parks' regional headquarters across the state, in the Eastern Montana Veterans Home in Glendive, and in the Gallagher Business Administration Building on the University of Montana campus.

Montana's "one percent for art" mandate sets a commendable precedent for other states and their public buildings. In the long run, the sponsors of this legislation have provided Montanans with another source of state pride. And the bill passed the Senate on this day in Montana legislative history: March 28, 1983.

Legislative Minute: March 29
Burton K. Wheeler Biography (1882-1975)

We pause on this day in legislative history to honor another of Montana's remarkable politicians—U.S. Senator Burton K. Wheeler of Butte. This controversial Democrat enlivened Montana politics from 1910 to 1946—particularly with his political battles against the Anaconda Company.

Burton Kendell Wheeler was born in Massachusetts in 1882, received his law degree in Michigan in 1905, and arrived in Butte in the same year. He was elected to a single term in the Montana House in 1910, and served in the Twelfth Assembly as a staunch advocate of Progressive reform.

"B.K." was appointed the U.S. District Attorney for Montana in 1913. During World War I he drew the anger of the state's superpatriots, because he defended the Constitutional rights of Montanans thought to be "pro-German."

After losing a bid for the Governor's office in 1920, Wheeler was elected to the U.S. Senate in 1922. He served four consecutive six-year terms there and became one of the nation's most powerful politicians. In 1924 he ran for Vice-president on the Progressive ticket with Robert LaFollette.

Wheeler chaired Senate bodies important to Montana—such as the Interstate Commerce Committee and the Indian Affairs Committee. The Wheeler-Howard (Indian Reorganization) Act of 1934—coupled with the "Indian New Deal"—revamped the relationship of reservation Indians with the federal government. In 1937 Wheeler successfully led the opposition to President Franklin Roosevelt's attempt to pack the Supreme Court.

Burton K. Wheeler's political philosophy centered on his opposition to exploitation of the West by Easterners, by "big business," and by "big government." He spent most of his political career at odds with the Anaconda Company in Montana, and heated controversy seemed to seek him out.

As a young man, Wheeler was labeled a "radical," a "Socialist," and even a "Communist." By the end of his career, he was called an "old-line conservative." The Senator was known best for his ambition, his courage, his independence—and particularly for his lack of personal bitterness. He could rage at a political opponent with the harshest of words, but he never carried the animosity to a personal level.

The death of Burton K. Wheeler in 1975 ended an era in Montana politics. He epitomized "the Yankee from the West."

Burton K. Wheeler, U.S. District Attorney, ca. 1917

Legislative Minute: March 30
The "Gallery of Outstanding Montanans"

On this day in Montana legislative history—March 30, 1979—the Forty-sixth Assembly had just approved Senate Joint Resolution #13—to create a "Gallery of Outstanding Montanans" in the Capitol Building.

This measure was the pet project of Senator Chet Blaylock of Laurel. The senator long had believed that the Legislature should find a public way to honor such diverse Montanans as civic leaders, businessmen, teachers, artists, and humanitarians—as well as politicians. When Senator Blaylock discovered the nine niches sculpted into the Capitol's second-floor, West Wing hallway, he knew that he had found a home for his "Montana Hall of Fame."

Senate Joint Resolution #13 specified that the Montana Arts Council would administer the initial project. The Council ran a statewide nomination survey, and a legislative selection committee chose the first nine designees: (1) actor Gary Cooper; (2) newscaster Chet Huntley; (3) Senator Mike Mansfield; (4) editor and educator H. G. Merriam; (5) Crow tribal leader Plenty Coups; (6) businessman Thomas C. Power; (7) artist Charlie Russell; (8) nuclear scientist Harold Urey; and (9) Methodist minister William Van Orsdel.

The "Gallery of Outstanding Montanans" was dedicated on January 29, 1981, and responsibility for the project then shifted to the Montana Historical Society. The Society established a rotation schedule to expand the number of designees. For example, the noticeable absence of women in the initial selection was rectified shortly with the inclusion of politician Maggie Smith Hathaway, Crow nurse Susie Yellowtail, and Black entrepreneur Mattie Castner.

Two new designees are rotated into the gallery each biennium, and two others are retired. During the 20-year existence of "the Gallery of Outstanding Montanans," the legislature has honored 27 persons in this way.

The "Gallery" is one of the legislature's real success stories, and it was created by the Forty-sixth Assembly on this day in Montana legislative history, March 30, 1979.

Legislative Minute: March 31
"An Issue of Public Morals"

On this day in Montana legislative history—March 31, 1915—the all-male Fourteenth Assembly still was reeling from public suggestions of impropriety. A group of Helena matrons had charged that the young women working as support staff for the session were at risk. In fact, the Woman's Civic Study League of Helena had appealed to legislative leaders to appoint a "supervisor of environment"—a chaperone—to protect the young women "from the wiles and woofs of members of that body."

Montana women had just received the vote by a close margin in the 1914 election. So the 1915 session was the last one that would comprise only men. The Woman's Study League charges brought a storm of indignant protest from the legislators. The issue was finally sent to a Joint Committee on Public Morals.

The Committee's report was issued shortly and adopted unanimously by both houses. In exasperation, it stated:

"The proposal [to appoint a chaperone] is an offense against decency and an attack upon everything men and women hold sacred. It is uncalled for and inexcusable. We, as a joint committee, unanimously find that there is no necessity whatever, of any character, for such action."

The editor of the Helena Daily Independent jumped right into the fray. He declared that the Committee's stern report most assuredly would "do away with the roughish glance, the coy flutter of the eyelash, and the insane comment about how becoming women's clothes are—especially when they were worn by someone who knows how to wear them!"

A political wag at Helena's competing Montana Daily Record suggested that signs be erected both inside the Capitol and on the surrounding grounds. They would read:
"NO FLIRTING ALLOWED—-THIS MEANS YOU!"

Somehow Montana's male representatives and the female staff of the Fourteenth Legislative Assembly survived this assault by the Woman's Civic Study League. But on this day in legislative history—March 31, 1915—the issue still packed lots of emotion.

Legislative Minute: April 2
The Broadwater Hotel

On this day in Montana legislative history—April 2, 1945—the State Commission for the Insane was investigating the feasibility of House Joint Resolution #7, recently passed by the Twenty-ninth Legislative Assembly.

The resolution encouraged the purchase of the massive Broadwater Hotel—located just west of Helena, along Highway 12—as the new home for the state's senile and aged patients. Not only would this solution segregate these patients from the mentally incompetent at Warm Springs, but it also would relieve critical overcrowding there.

The Broadwater Hotel, to that point, had experienced a checkered career. Transportation mogul Charles Broadwater had begun construction of the palatial hotel/natatorium complex in 1888. When the resort opened the next year, it was one of the most elegant spas in the Northwest. For several years, it served as a "destination resort" for railroad passengers from the East.

Charles Broadwater's death in 1892 and the national Panic of 1893, however, closed the hotel and curtailed use of the natatorium. During the next decades, the property moved from owner to owner—each trying a different approach to entice customers.

Slowly the hotel declined in quality, in furnishings, in service, and in elegance. For some time, the dining room functioned as a supper club. A string of cabin units was added beside the hotel, to attract auto tourists. Then the Helena earthquake of 1935 damaged the natatorium beyond repair.

When gambling was legal (and sometimes when it was not!), the hotel served as a night club and casino. But a World War II statewide crackdown on gambling closed the hotel for the last time. The City of Helena tried to purchase the property in 1941, but failed.

Unfortunately, the 1945 attempt to refurbish the Broadwater Hotel to house the state's senile and aged patients proved but another unfulfilled dream. The natatorium was demolished in 1946, and the remnants of the hotel burned in 1976.

In 1997 former Governor Tim Babcock purchased the Broadwater property, and he has begun to restore the original grounds. He may never know how close his acquisition came to serving the people of Montana as a state institution—on this day in Montana legislative history: April 2, 1945.

Broadwater Hotel and Natatorium, Helena, Montana. F. J. Haynes, Photographer

Legislative Minute: April 3
The Interstate Highway System

On this day in Montana legislative history—April 3, 1955—Montana's Congressional delegation was delivering to the U.S. Congress two memorials passed by the recent Thirty-fourth Assembly. These measures requested that U.S. highway #2 be added to the fledgling, federal Interstate-highway system.

The Interstate system had evolved out of World War II—as a means of quickly moving troops and materials around the country for defense purposes. Of the national total of 44,000 Interstate miles, 1,236 miles would fall within Montana. In this state, construction costs would average approximately $1 million per mile.

In addition to I-15, I-90, and I-94, the original Montana plan called for a four-lane highway linking Billings with Great Falls—generally following the route of Montana #3, U.S. #12, and U.S. #89. However, Congress ultimately scratched this link from the Montana system.

The Interstate-highway system helped to revolutionize life in Montana after World War II. Once a state that relied on railroads for passenger travel and freight distribution, Montana became a state tied to automobiles and long-haul trucks.

"America's biggest peacetime spending program" changed forever Montana's commercial, social, and community patterns. Scores of small towns by-passed by the Interstate rapidly withered. Interstate access turned other small towns adjacent to cities into suburban "bedroom communities." Out-of-state tourists used the Interstate network to plunge deep into the Montana heartland. And the Interstate became a catalyst for Montana's schizophrenic speed-limit controversies.

Montana's Interstate "gold spike" ceremony occurred in October, 1988. Montanans will live with the effects of their 1956-1988 Interstate network as long as they are tied to motor vehicles. It is difficult to imagine another public-works project that has affected so many Montanans or so imprinted itself on the Montana psyche.

Recent attempts to convert the Montana portion of U.S. highway #2 into a four-lane freeway recall these two 1955 memorials. On this day in Montana legislative history—April 3, 1955—the issue of additional Interstate construction remained very much alive. And Interstate echoes will resonate in Montana for decades to come.

Legislative Minute: April 4
C. M. Russell's "When the Land Belonged to God"

On this day in Montana legislative history—April 4, 1977—the House passed House Bill 826 by a vote of 98-2 and sent it to the Senate. This measure would appropriate funds for the state's acquisition, restoration, and protection of the Charlie Russell painting "When the Land Belonged to God." The Senate duly concurred, and Governor Tom Judge signed the bill on May 10.

Russell reportedly had called "When the Land Belonged to God" his masterpiece. The large painting (more than 3 feet by 6 feet) depicts a massive bison bull topping a rocky knoll, just after leading his herd across the Missouri River near the Big Bend. In the background are Square Butte, Haystack Butte, and the Highwood Mountains.

The artist had been commissioned to paint this massive oil in 1913 by the directors of Helena's exclusive Montana Club. In fact, the Board had requested: "a strong, but quiet, picture for the second-floor Reading Room." Russell's fee was $3,000. He delivered the finished canvas in 1914.

For decades this magnificent painting hung above the fireplace in the Montana Club's Reading Room. It quickly became the Club's prized possession—exhibited proudly and privately to visiting dignitaries.

In 1954 the director of the Montana Historical Society, K. Ross Toole, hatched a plan. To raise money to buy other pieces of Charlie Russell art for the state, the Society would borrow and publicly exhibit this seldom-seen work. The plan worked to perfection: donations for Russell art poured in.

The precedent of this temporary loan proved useful. In 1969 the Club again loaned the painting to the Society—on the condition that the state pay the work's ever-increasing insurance premium. Then, in 1976, the Club announced that "When the Land Belonged to God" would be sold to defray its renovation costs for the Montana Club Building. The purchase price was firm: $450,000.

A determined campaign quickly raised $150,000 in

private-sector funds. The 1977 Legislature provided the balance of $300,000 for the purchase. As a result, this priceless work now hangs on public display in the Montana Historical Society—just across the street—and not in New York City, or Tulsa, Oklahoma, or Los Angeles, California.

House Bill 826 made that purchase possible for the people of Montana. And it passed the House on this day in Montana legislative history—April 4, 1977.

Charles M. Russell's "When the Land Belonged to God"

Legislative Minute: April 5
The Jeannette Rankin Statue

On this day in Montana legislative history—April 5, 1974—the House and the Senate just had passed separate resolutions concerning Montana Congresswoman Jeannette Rankin. House Resolution #57 and Senate Resolution #67 respectively directed the Montana Arts Council to commission a statue of Rankin for placement in the Capitol Building. The Forty-third Legislature appropriate $5,000 to initiate the project.

The Arts Council subsequently supervised an international competition to select the sculptor. In 1978 "Terry" Mimnaugh of Great Falls was chosen to execute the statue. Ms. Mimnaugh's bronze piece was cast in a Utah foundry. It is seven feet tall and weighs more than 1,200 pounds. The generous donation of private funds allowed the completion of the project.

The statue was unveiled on the Capitol's second-floor landing and dedicated on June 11, 1980—the exact centennial of Jeannette Rankin's birthday. At the ceremony, speakers lauded Ms. Rankin's "life of principle" and "dedication to the cause of worldwide peace." Other eulogizers honored her as the first woman to serve in the U.S. Congress. Many speakers played off the inscription displayed on the front pedestal of the statue: "I cannot vote for war."

Jeannette Rankin's remarkable career as a suffragist, a fearless Congresswoman, a peace lobbyist, and a humanist spanned seven decades and ranks her among Montana's leading female figures. She is the appropriate emblem of the Montana woman's story.

In recognition of Rankin's many accomplishments, a duplicate Mimnaugh statue was unveiled in the U.S. Capitol's National Statuary Hall on May 1, 1985. Each state is permitted two figures in the Hall—and here Jeannette Rankin joined Montana artist Charlie Russell on permanent display.

On this day in Montana legislative history—April 5, 1974—both houses had executed resolutions to produce the Montana Capitol Building's Jeannette Rankin statue. It is a fitting remembrance of the career of this great lady.

Legislative Minute: April 6
Governor J. K. Toole and "the Shutdown of 1903"

On this day in Montana legislative history—April 6, 1904—Governor Joseph K. Toole sat in his Capitol office and pondered the control that the Amalgamated (Anaconda) Copper Company held over Montana's economy and its government. This control had been displayed most recently in the Company's "Shutdown of 1903" and in the subsequent extraordinary session of the legislature that the Governor himself had been forced to call.

By 1903 the "War of the Copper Kings" had evolved into head-to-head combat between Amalgamated Copper and F. Augustus Heinze. Because he owned two district judges in Silver Bow County, Heinze repeatedly had tied up Anaconda properties.

In frustration, the Company announced the complete shutdown of its Montana operations on October 23: mines; smelters; railroads; timber camps; lumber mills; coal mines; lime and silica operations. Immediately 13,000 Montana laborers were thrown out-of-work—just as the chill winds of winter swept in from Canada. The Company's $1 million-a-week payroll just stopped. Within ten days, a ripple effect idled 75 percent of the work force in the state.

The Company, however, offered a possible solution to the problem. First, Governor Toole could call a special session of the legislature. Next, the legislature could pass a "fair trials bill." Then Amalgamated would resume its statewide operations.

The proposed legislation would allow for the simple disqualification of a district judge upon a charge of bias by either litigant—and it would replace him with another judge. Thus the Company could circumvent Heinze's district judges. The headlines of Heinze's Butte newspaper screamed "Blackmail in Its Purest Form!" Out-of-state papers berated the Company for its "surrender or starve" tactics.

As the shutdown moved into its third week, destitute Montanans bombarded Governor Toole with petitions to convene the extraordinary session. On November 10—most reluctantly—Toole called for the legislature to meet on December 1. On November 11 Amalgamated summoned its employees back to work. Within a week, the state's economy had returned to "business as usual."

In the December extraordinary session of the Eighth Assembly, legislators quickly passed the required bills and adjourned. The lesson was all too clear: the Company held the power to control the state's economy and to dictate specific legislation—and it would exercise that power.

For good reason, the "Shutdown of 1903" still troubled Governor Toole—on this day in legislative history: April 6, 1904.

Legislative Minute: April 7
The Montana State Animal

On this day in Montana legislative history—April 7, 1983—Governor Ted Schwinden signed Senate Bill 224: An Act to Designate the Grizzly Bear as the Official State Animal. The Governor fittingly wore a grizzly-bear hat for the public signing. His get-up was in keeping with the story of how Montana chose its state animal.

In 1982 Secretary of State James Waltermire sponsored a contest to give Montana students a first-hand experience in representative government. In the end, more than 55,000 students in 425 schools all across the state participated.

Called "the State Animal Project," this competition produced nominations for 74 different animals native to Montana. In most schools, students ran heated campaigns for their respective candidates, held both primary and general elections, and produced school winners. Statewide, the grizzly bear defeated the elk two-to-one.

In the Forty-eighth Assembly, "the Grizzly Bill" appeared as Senate Bill 224. It was introduced in the Senate by Larry Tveit of Fairview and in the House by Representative Clyde Smith of Kalispell. More than 1,000 students attended the two hearings on the bill. A few testified verbally, and others submitted written testimony. For the duration of the session, more than 100 student-produced campaign posters decorated the Capitol rotunda.

As support for the grizzly bear grew among legislators, one student argued:

"The grizzly bear, by its very nature, is not a friendly animal. Montanans, on the other hand, are friendly. Besides, the grizzly is already the mascot for the University of

Montana. So the elk should be our official state animal."

Sympathetic senators offered an amendment to substitute the elk for the grizzly, but the measure received only four votes. The Senate passed Senate Bill 224 by a 42-4 margin, and the bill passed the House 95-4.

Thus, on this day in Montana legislative history—April 7, 1983—the grizzly bear became Montana's official state animal. A painting of a grizzly by Bigfork artist Elmer Sprunger hangs to this day in the Secretary of State's reception area—a reminder of this 1983 exercise in participatory democracy.

A Group of Grizzlies Moving up a Ridge

Legislative Minute: April 9
Montana's First Constitutional Convention

On this day in legislative history—April 9, 1866—Montana's first-ever Constitutional Convention opened in Helena. The gathering had been called by Acting Territorial Governor Thomas Francis Meagher. Interestingly, it competed directly with the Second Territorial Assembly, which at that time was meeting in Virginia City.

Meagher had called an election on February 24 to select delegates, but only two dozen of the election's 55 winners attended the convention. Since 24 delegates did not comprise a quorum, members altered the rules to legitimize their actions. In addition, since the legislature had appropriated no funds for the convention, the delegates served without pay or expense money.

The men met in Crescent Hall on Last Chance Gulch for six working days. They spent as much time in arguing over various resolutions to Congress as they did in discussing the substance of the Montana charter.

According to newspaper reports, the document produced by the delegates used, as a model, the proposed Colorado constitution of 1865—adding modifications from California and New York. However, historians cannot check the text itself, because the single copy of the document produced by the Convention was lost.

Rather than delegating the job-printing contract to a Territorial newspaper (of which there were two), delegate Thomas E. Tutt carried the manuscript to St. Louis for publication—and lost it en route. With that loss, Montana Territory's chance for early statehood—a slim one at best—died an ignominious death. Montanans waited another 23 years to join the Union.

On this day in Montana legislative history—April 9, 1866—Montana's first constitutional convention was called to order. Without a quorum, it produced a document that was never printed, on which the people never voted, and which was never submitted to Congress.

Fortunately, Montana's subsequent constitutional conventions proved more productive.

Legislative Minute: April 10
"Hurdy-Gurdy Houses"

On this day in Montana legislative history—April 10, 1873—the Seventh Territorial Assembly prepared to entertain House Bill 33: An Act Restricting Dancing Saloons and Hurdy Gurdy Houses. The bill ultimately passed both houses and was approved by Territorial Governor Benjamin F. Potts on April 28, 1873.

House Bill 33 outlawed dance halls and "hurdy-gurdies"—the latter defined as "places of low resort, featuring cheap liquor, noisy music, lascivious dancing, and prostitution." In truth, however, the measure had little effect on the dance-hall business, as it was never actively enforced.

Then, in January, 1875, Horace Welsh complained to authorities that Bill Moller was running just such a hurdy-gurdy, in defiance of the statute. The establishment was called the Fashion Saloon, and it was located on Wood Street in Helena. A trial was set for January 23, before Judge Nicholas Hilger. The court exhausted one whole afternoon trying to seat a jury of 12 men—but found that most of the potential jurists held strong views on "hurdy-gurdies," one way or the other. Finally Judge Hilger settled for an 8-man jury. County District Attorney Joseph K. Toole prosecuted the case.

Attorney John Shober defended Moller and presented him as his key witness. After reading the definition of "hurdy gurdy" from Webster's Dictionary, he called Moller to the stand. The proprietor of the Fashion Saloon testified:

"Sure, I hire 'waiter girls' and musicians to entertain people, but I don't keep a 'hurdy-gurdy house.' Any one can come and dance at my place who desires, so long as they [sic] behave themselves. I charge nothing for dancing, so I do not run a dance hall. I don't have any idea what those legislators thought a 'hurdy-gurdy' was!"

After a brief, eloquent closing plea from Toole, the case went to the jury. Fifteen minutes later the eight men returned with a verdict of "not guilty." The Helena Weekly Herald remarked:

"There was great rejoicing over the verdict by the frequenters of the dance houses. And we understand that lost time was partially made up by them in tripping the light fantastic for the remainder of Saturday night."

On this day in Montana legislative history—April 10, 1873—the Seventh Assembly was preparing to improve the morality of Montanans by curbing dancing establishments. Enforcing their edict, however, proved a whole different proposition.

Legislative Minute: April 11
Arbor Day

On this day in Montana legislative history—April 11, 1899—Montana Governor Robert B. Smith issued his annual proclamation for Arbor Day. This designation created a legal holiday to commemorate the arrival of spring and to encourage the planting of trees, shrubs, and vines on both private and public property.

Arbor Day had been created by Montana's Fifteenth Territorial Assembly in 1887—and set as the third Tuesday in April. Through the years, the date evolved, until legislators finally pegged Arbor Day as the second Tuesday in May.

Governor Smith's 1899 proclamation captures the spirit of this effort:

"As winter disappears and the earth puts on its summer robes of grass and flowers, the season reminds us that it is our duty to ourselves and to posterity that we shall assist nature to make more beautiful our homes, our public grounds, and our rights of way....Thus a higher sense of the artistic and the beautiful is begotten in our people; thus a proper spirit of pride in our houses, our cities, and our state is encouraged and fostered."

Prior to World War II in Montana, Arbor Day thrived as a major civic occasion. Students planted trees on school grounds and in the community; women's organizations supervised the addition of trees to boulevard strips; men's groups planted trees at town entrances, in community parks, and in cemeteries. A variation on Arbor Day survives in some smaller Montana towns today as "Spring Community Clean-up Day."

On this day in Montana legislative history—April 11, 1899—Governor Smith established Arbor Day for the citizens of Montana, acting at the direction of the Montana State Legislature.

Legislative Minute: April 12
Mike Mansfield Biography (1903-2001)

We pause on this day in Montana legislative history to honor perhaps the greatest of Montana's gifts to the nation and the world: politician and statesman Mike Mansfield. The Senator dwarfs both the heroes and the legends with whom he has been cast on stages in Montana and in Washington, D.C.

Mike was born in Brooklyn, New York, in 1903. At age three—after his mother died—he was sent to live with relatives in Great Falls. On the heels of "a troubled youth," Mike ran away from home at age 14. By the time he found his way back to the Butte mines, he had survived World War I and served in the Army, the Navy, and the Marine Corps.

Sweetheart Maureen Hayes then talked him into achieving his dream: a college degree in history. Before the 1930s had ended, Mansfield was a University of Montana history professor with bachelor's and master's degrees.

In 1942 Mike won a seat in the U.S. House of Representatives, replacing Jeannette Rankin. A decade later, Montanans elected him to the U.S. Senate. And, in 1961, Democrat Mansfield rose to the position of Senate Majority Leader. He shepherded the Senate through some of the nation's most contentious times: the assassinations of the Kennedy brothers and Dr. Martin Luther King, Jr.; the Vietnam War; landmark legislation in human rights, education, social justice, and environmental protection; the civil-rights movement; Watergate and its many consequences.

Following his retirement from the Senate in 1977, Mike served as the U.S. Ambassador to Japan. He retired from that post in 1988. Mansfield still advises world leaders and businesses on international relations from his office in Washington, D.C.

In legislative influence and example, Mike Mansfield has no twentieth-century political equal. Through 70 years of public service, he listened, spoke quietly, did his homework, compromised, remembered names, explained, tried again, gave credit, held no grudges, reviewed issues from new perspectives, kept in touch with folks back home, and embraced new friends around the globe.

He advocated Montana's interests—but recognized just how intertwined they were with the world's interests. He shunned simplistic ideologies and sought solutions to help mankind.

On this day in Montana legislative history—April 12, 2001—we pause to honor a true public servant, Mike Mansfield. He set the standard for Montana's native sons. He is our truest gift to the world.

Legislative Minute: April 13
Potts' Address to the Legislature

On this day in Montana legislative history—April 13, 1873—Territorial Governor Benjamin F. Potts was about to deliver his opening address to the first extraordinary session of the Seventh Legislative Assembly.

Potts had called the session himself, to deal with several pressing issues. Most important were the establishment of supervision at the prison in Deer Lodge and the recodification of territorial laws for consistency. Potts also requested legislation to restrict counties from floating bonds to subsidize railroad construction through their jurisdictions.

The Seventh Assembly was sitting on the eve of a severe national rupture—the Panic of 1873. In that light, Potts' admonitions about legislative fiscal responsibility carry the voice of prophesy. His words—delivered more than 125 years ago—also ring true in the twenty-first century:

"Extravagance must be checked and economy exercised. No fortune exists so large that the prodigal cannot exhaust it. No people exist so rich and powerful that prodigality and corruption cannot destroy them. Let us labor in earnest; let us economize in earnest. Let us increase our earnings; let us diminish our expenditures. Let us save when we can; let us spend only when we must.

"The extravagance of the people will make the government extravagant. The representative will not be better than the people he represents. Let us take warning by the example of those who have sunk under the crushing weight of general and individual extravagance, and thereby let us avoid their fate."

Stirring words uttered on this day in Montana legislative history—in 1873—by Governor Benjamin Potts. Timeless words.

Legislative Minute: April 14
The U.S.S. Montana Silver Service

On this day in Montana legislative history—April 14, 1963—the U.S. Navy was considering a request from the Thirty-eighth Montana Assembly regarding the U.S.S. Montana's silver service. The Legislature had requested the return of the valuable collection for permanent deposit at the Montana Historical Society.

In 1907 the Navy had announced that it would commission the armored cruiser U.S.S. Montana the following year. Proud, patriotic Montanans supported Senate Bill 102 in the 1907 legislature. The measure appropriated $6,000 to create and decorate a silver service for the namesake vessel.

Huber Brothers Jewelers of Dillon received the contract to provide the silver service. The firm served as the agent for Reed and Barton of Massachusetts—a company experienced in the production of special-order silver items.

Reed and Barton silversmiths hand-wrought a magnificent 19-piece set. It includes a large punch bowl with silver plateau and ladle, a small punch bowl with ladle, a majestic pair of candelabra, two sandwich dishes, two fruit baskets, two serving trays, two bottle holders, a coffee urn, a cigar box, and a pair of compotiers. Artists etched inscriptions and symbols of the state, the nation, and the U.S. Navy on each piece of the collection.

The silver service proved a huge success when displayed to crowds of Montanans early in 1908. The official presentation to officers of the ship occurred at the Norfolk (Virginia) Navy Yard in November of that year. The set remained on the U.S.S. Montana until that ship was decommissioned in 1921. It then transferred to the cruiser U.S.S. Helena.

As a result of the efforts of the Thirty-eighth Legislature, the silver service from the U.S.S. Montana returned to Montana in 1963. It became a prized component of the Montana Historical Society's Museum collection, and pieces of it have been displayed and used for official state occasions. In 1997 the U.S. Navy relinquished all claims to the silver service, and it became the property of the State of Montana.

On this day in Montana legislative history—April 14, 1963—the Thirty-eighth Assembly had begun the process to return the U.S.S. Montana's splendid silver service to the people of Montana. Their efforts brought the unique collection home again.

Legislative Minute: April 17
Lee Metcalf Biography (1911-1978)

We pause on this day in Montana legislative history to honor one of Montana's most remarkable and controversial politicians—U.S. Senator Lee Metcalf, the Democrat from Stevensville. Although he labored long in the shadow of Senator Mike Mansfield, together the two senators gave Montana strong national representation for 17 years.

Born in Stevensville in 1911, Lee was educated in Bitterroot Valley schools and graduated from Stanford University. He then returned to the University of Montana Law School and received his law degree in 1936. Metcalf was elected to the Montana House of Representatives, sitting in the 25th Assembly.

Lee became the assistant attorney general for Montana in 1937. He then enlisted in the Army in 1942 and served with distinction in the European theater. He returned to Montana in 1946 and was elected to a six-year term as Associate Justice of the Montana Supreme Court.

In 1952 Judge Metcalf succeeded Mike Mansfield as Montana's Western District Congressman and served four terms in that office. In 1960 Lee ran for the Senate seat vacated by James E. Murray. He won that contest and two additional ones, to serve in the U.S. Senate until his death in 1978.

Lee Metcalf's influence in Congress grew incrementally. Tall, heavy-set, gruff, direct, intelligent, and committed, the Senator especially championed education, conservation, and wildlife causes.

Metcalf led campaigns addressing strip mining, air and water pollution, wilderness areas, mine safety, timber management, and water resources. Although the Senator was an ardent protector of the natural environment, he also believed in the responsible development of resources.

Metcalf supported rural-cooperative efforts and public-power projects. With Vic Reinemer, he published a landmark book—Overcharge—exposing corporate-utility operations. He developed a long, adversarial relationship with the

Montana Power Company and, as a result, faced strong corporate opposition in all of his reelection campaigns.

Upon his unexpected death in 1978—at age 67—Mike Mansfield called Metcalf "the best of men and the finest legal mind in the Senate. It would be sheer music to hear again one of his clarion blasts of reasoned outrage."

Metcalf's longtime associate Vic Reinemer concluded: "There are two kinds of public officials: the consensual—the many who wait for majority support before they move; and, to coin a word, the 'incensual'—the few trail blazers who light the way for the herd behind. Lee was one of those rare point men out front."

A fitting epitaph for one of Montana's most remarkable politicians.

Montana Senator Lee Metcalf

Legislative Minute: April 18
Montana's First Wildlife-Conservation Act

On this day in Montana legislative history—April 18, 1865—the Territory's First Legislative Assembly already had passed House Bill 104: An Act in Relation to Trout Fishing. It is noteworthy that—faced with myriad, important responsibilities—the Territory's initial legislative body took the time to pass Montana's first wildlife-conservation law. In April, 1865, Montana Territory had not yet existed for a full year. Legislators who convened in Bannack generally represented several thousand placer miners combing the hills and gulches, looking for the next bonanza strike. Yet James Stuart (the brother of Granville), representing Deer Lodge County, introduced House Bill 104 to establish the legal means of taking fish from Montana streams.

The measure specified that fishing tackle "consisting of rod or pole, line, and hook be the only lawful way that trout can be caught." It prohibited the construction of dams, the placement of seines or nets, and the use of drugs, poisons, or explosives to harvest fish. The penalty ranged from $50 to $200--each fine divided equally between the county school district and the informant.

In truth, James Stuart's concern proved not at all premature. Scores of unsuccessful placer miners had turned to commercial hunting and fishing as a means of survival. Their excessive harvest of deer, elk, birds, and fish glutted the meat markets in the gold camps. The Montana Post reported that dynamiters provided fish in Virginia City "by the wagon-load." House Bill 104 remained the only wildlife-conservation law on the books from 1865 until 1869. Then, in the Sixth Territorial Assembly, a revised bill established a general hunting season for birds in the territory. Restrictions on big-game hunting would have to wait until 1871 to appear. So, on this day in Montana legislative history--April 18, 1865--the Territorial Assembly already had created one of Montana's earliest environmental bills. James Stuart's trout-fishing measure became Montana's first wildlife-conservation law.

Legislative Minute: April 19
The Montana Spotted Ass Society

By this day in Montana legislative history—April 19, 1977—the Forty-fifth Legislative Assembly had passed House Joint Resolution 41. This measure "commended the efforts of the American Council of Spotted Asses."

The text of the resolution noted:

"WHEREAS, a Spotted Ass is a donkey, ass, burro, or mule of more than one color, with well-defined lines dividing the colors and is also the only breed of stock ever developed in Montana; and

"WHEREAS, breeders and owners of Spotted Asses established the American Council of Spotted Asses in 1969—an organization headquartered in Fishtail, Montana...; and "WHEREAS, the officers and members of the American Council of Spotted Asses have labored with diligence to promote the virtues of the Spotted Ass,...NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

"That the American Council of Spotted Asses is hereby commended for its promotional efforts in behalf of the Spotted Ass and is encouraged to continue the same."

Legislators in both houses took the opportunity—in floor discussion:

—to define (with some precision) possible rules for admission into the Council of Spotted Asses;

—to nominate specific candidates for membership; and

—to propose a similar organization to honor pachyderms.

Since consideration of this resolution fell toward the end of the 1977 session, it provided some much-needed levity for scores of over-worked legislators.

Legislative Minute: April 20
Meeting Dates for Sessions

On this day in Montana legislative history—April 20, 1873—Benjamin Ezekiel (a Democrat from Madison County) was about to introduce House Bill 56 in the extraordinary session of the Seventh Territorial Legislature. This measure fixed the time for convening the regular sessions of the legislature during the first week in January.

Between 1864 and 1873, the legislature had met at various times during the late fall and winter—and once in May. The Organic Act creating Montana Territory limited each regular session to 40 days, but even that restriction produced only two extraordinary sessions. Ezekiel's 1873 plan to begin the sessions early in January was his attempt to bring some order to an otherwise unpredictable pattern.

The Organic Act had specified sessions in even-numbered years, but the legislature soon changed that to every year. Finally in 1877 the Tenth Assembly made the switch to odd-numbered years—a pattern later adopted under Montana statehood.

Not until the new constitution in 1972 were annual sessions formally instituted again.

Opponents of House Bill 56 argued that winter weather would hamper travel to a session held in January and February. Proponents countered, however, that one could not predict Montana weather and that snow could fall in Virginia City just as likely in June as in January. They pointed out further that a winter session avoided the normal growing season, so farmers and ranchers could participate. Quickly the opposition dissolved.

On this day in Montana legislative history—April 20, 1873—the Seventh Territorial Assembly sat on the verge of establishing an important precedent. Because this body set the opening day of the session during the first week in January, the legislature still follows this pattern.

Winter travel in Montana remains unpredictable.

Legislative Minute: April 21
The Purchase of Virginia City/Nevada City

On this day in Montana legislative history—April 21, 1997— the Fifty-fifth Montana Assembly was crafting a deal to purchase the Virginia City/Nevada City complex. With this acquisition, the state assumed a new role: proprietor of a world-class tourist complex.

Virginia City represents a rare Western phenomenon. As the Madison County seat, it never became a true "ghost town." However, its lack of development meant that old buildings were not routinely torn down to make room for new ones. So they survived into the twentieth century.

Charles A. and Sue Ford Bovey first visited Virginia City in 1944. Charlie was a Great Falls-area rancher, a longtime state legislator, and an heir to the Minneapolis-based General Mills fortune. The Boveys fell in love with Virginia City and, in 1945, purchased and began to restore buildings in the townsite.

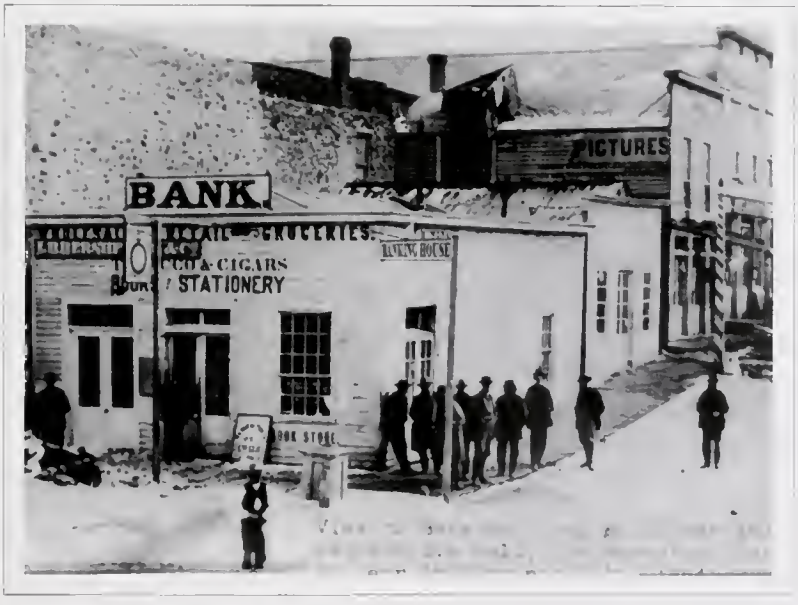
The couple amassed hundreds of buildings and sites, and filled the structures with tons of period goods purchased throughout the West. Montanans would alert Charlie to endangered structures across the state. More often than not, he dismantled them and moved them to Nevada City. With very little fanfare, the Boveys directed one of the first real preservation efforts in the American West.

In 1961 Virginia City became a National Historic Landmark. In 1976 the district was expanded and placed on the National Register of Historic Places.

Charlie died in 1978 and Sue followed in 1988. The properties devolved on their son, Ford—who announced in 1989 that he would sell the Virginia City/Nevada City package. Nine years of heated activity, negotiations, studies, lobbying, reports, high hopes, and dashed dreams followed.

When the 1995 legislature failed to act on Ford Bovey's sale package, the Montana Historical Society Foundation stepped forward and negotiated an option with Ford to buy enough time for the 1997 legislature to consider the purchase. A statewide "Save Virginia City" fund-raising campaign involved Montanans from every walk of life.

On this day in Montana legislative history—April 21, 1997—legislators were about to purchase the Virginia City/Nevada City complex and establish the Montana Heritage Preservation and Development Commission to oversee its development. This $9.4 million acquisition marked a real shift in public perspective for the state—toward relatively untapped resources: history; heritage; cultural tourism. What better way to build Montana's future on Montana's past?



Wallace Street, Virginia City, in Territorial Days

Legislative Minute: April 22
The First Territorial Assembly, in Bannack

We pause on this day in Montana legislative history to honor the work done by members of the very First Territorial Assembly. Territorial Governor Sidney Edgerton convened this body in Bannack on December 12, 1864. Thus Bannack served as Montana's first territorial capital and its first seat of government.

The Organic Act for Montana Territory specified the length of the first session (60 days) and the size of the Assembly (20 delegates). The Council comprised 7 members and the House 13—although one Southern Democrat would not sign the "Ironclad Oath" of allegiance to the Union and was not seated in the House.

Most of these legislators lacked lawmaking experience. The Assembly split between pro-Union Republicans and pro-Confederate Democrats. A small group of Northern Democrats usually sided with their Democrat colleagues. Despite these divisions, the Assembly functioned admirably.

Most important, the Legislature created a judicial base for commercial and personal activities within the new territory. For safety and continuity, delegates had worked under the laws of Idaho Territory until they could substitute their own. The Assembly instituted the common law of England, established a district-court system, and created a civil-practice act, a criminal-practice act, and a standard probate act.

The body also set voting qualifications, created 15 counties for Montana, and relocated the Territorial capital in Virginia City. It further found time to pass minor laws dealing with licensing lawyers, establishing a school system, regulating marriage and divorce, and imposing taxes.

The Assembly also passed 108 "special and private" laws. These measures addressed everything from gambling and livestock to toll roads and townsite companies.

In retrospect, critics found substantial fault with the First Territorial Assembly—primarily charging it with "sins of omission." Nevertheless, this session (the only one ever held in Bannack) positively contributed to laying the foundations for an operating government in Montana. This was no simple task, given the timing—in the midst of the Civil War.

Upon the session's completion on February 9, 1865, the (Virginia City) Montana Post remarked :

"Bannack—The high comedy which has been on these boards for sixty days closed Tuesday evening at 10 o'clock. The spectators were bored, the actors were weary, the scenery was dilapidated, and the footlights were dim."

Regardless, the people of Montana benefitted mightily from this very first session of the Montana Assembly.

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